A brief

SUMMARY

OF THE

LAVVS and STATUTES

OF

ENGLAND

To this present Year, 1663.

So farr forth as the same do concern the Office of Justices of the Peace, Sheriffs, Bayliffes, Constables, Churchwardens and other Officers and Ministers of this Kingdome.

Together with divers other Matters, not only acceptable for their Rarity, but also very necessary for their great Use and Profit of all Persons, but especially for such as bear Office in this Kingdom.

The fourth Impression.

Collected by Nicholas Collyn *of the Honourable Society of* Lincolns-Inn, *Esquire; & sometimes Reader there, & an ancient Justice of the Peace & Quorum in the County of* Middlesex; *and one of the foure Pleaders of the Honourable City of* London.

LONDON,
Printed by *T. M* for *Elizabeth Walbanck* at *Grayes-Inn-Gate* in *Grayes-Inn-Lane*, and *Samuel Heyrick* at *Grayes-Inn-Gate* in *Holborne*, 1663.

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To the READER.

THis Abridgment of the Lawes and Statutes following, was Penned by one that was an ancient Justice of the Peace in the Country, which he did for his own convenience and ease: it being more plain and full, and yet more briefe and compendious then any Abridge-

ments that are in print ; and an easie pocket Book to be carried about with facility, a occasions may be offered; containing in few words, mo plainly and fully the eff and meaning of all Laws an Statutes that concerne th Justices of the Peace, eith in their Sessions, or out of t same ; or that do concern t Offices of Sheriffes, Mayor Bayliffs, Constables, Churc wardens, Overseers for t Poor, Surveyors of the Hig wayes, and all other Office and Ministers of the Pea and Kingdome.

T

This Manuſcript with ſome others, were left by the Author (or Collector) with ſome of his neare Friends, who are ready and willing, according to his mind to make the ſame more common, that ſo it may be the more uſefull to all Officers and Magiſtrates, that have occaſions to informe themſelves what the ſubſtance of the Lawes and Statutes are, that ſo they may performe their ſeveral Offices and Duties in ſuch manner as they ought to doe.

The Penner hereof did it at the firſt for his own particu-

lar use, not once intending any other thing; but when some of his intimate friends (who bore Office in this Kingdome) had once the knowledge of it, and had perused it, they would never be without it, but made more use of it for a helpe to their memory, then of any printed Book whatsoever. And as it was profitable to some few, so it may by the publishing of it, be to many more for the future.

The

The Table.

Alehouſes, &c. fol. 1
Abjuration, ſee Recuſants 5
Affray, ſee Conſtables 18
Agnus Dei, ſee Rome.
Apprentices, ſee Labourers, 11
Archery, fol. 5 Armour, fol. 6
Arrow-heads, ſee Archery 2
Artificers, fol. 7 Aſſault *ibid.*
Aſſize of Bread and Drink, fol. 8

B

Badgers, &c. fol. 9
Bark, fol. 10
Barrator, fol. 11.
Baileſment, ſee Priſoners 7
Bakers, ſee Aſſize and Artificers 1
Baſtardy fol. 11.
Battery, ſee Aſſault
Beggers, ſee Vagabonds
Bigamy, ſee Matrimony

Bowyers, ſee Archery
Braſiers ſee Pewter
Brewer, fol. 13
Bridges, ſee Highways 16
Buckſtals, ſee Hunters 5
Buggary and Buglary, fol. 15
Burning of Houſes, fol. 16
Butchers, fol. 16, 17
Buts, ſee Archery 3
Butter and Cheeſe 18

C

CAlves, ſee Butchers 5. and Miſchkine.
Captains, &c. fol. 18, 19
Cattle, ſee Foreſtallers 5
Certiorari, ſee Removing of Priſoners, &c. fol. 20
Champertors, ſee Maintenance 2
Chance-Medley, ſee Manſlaughter
Church and Church-yard, 21
Churchwardens, &c. 22, 23
Clergy 25
Clerk of the Market, *ib.*
Cloth, 26
Confederacy, ſee Maſons
Conjuration, 28

Conſtables, 29,30
High-Conſtable, 39
Cook ſee Butchers
Common Prayer; ſee Service
Correction houſe 39
Coopers 41
Corn 42
Coroners 43
Cottages & Inmates, 44
Counterfeiting Letters & Tokens 48
Croſſe-bows, ſee Guns
Currier, ſee Leather
Cutting out Tongues, ſee Tongues
Cutting of a Pond-head, ſee Fiſh 3
Cut-purſe 45

C

DEere, ſee Hunters
Dyers, ſee Cloth
Diſturbing, ſee Preachers 1
Dogs, ſee Hunters
Drunkenneſſe, ſee Alehouſes 2. 4
Ducks, ſee Pheaſants 3

E

EGs of Wild-fowl, see Wild-fowl.
Egyptians, see Vagabonds & 43
Eyes, see Tongues.
Escape, 46
Escheators 47
Estreats, see Sheriffs, 1, 2
Eveſdroppers, see Good-behaviour
Exportation, see tranſportation
Exportation 47

F

FAlſe Tokens, see Counterfeitors.
Faires 48
Felony 50
Pheaſants *ibid.*
Ferrets, see Hunters
Fighting, see Church
Fiſh and Fiſhers, 53
Fiſh-dayes, and Eating of fleſh 55
Force, and forcible Entries *ibid.*
Foreſtalle s 57
Forgery 60
Forraign Power, see Rome
Fowle, see Pheaſants 3

G

Games, see Playes.
Gaole, see Prison
Gaging 60
Goldsmith & Gilding 60
Good-behaviour, 61
Grayhound, see Hunters 6
Guns, 61

H

Habeas Corpus, see removing of Prisoners
Hares, see Pheasants 3, 6
Harvest, see Labourers 3
Hats and Caps 64
Hawks and Hawking, fol. 64.
Hay and Oats, see Inholder.
Hedge-breakers, see Trespasse.
Herons, 66
Highwaies, 67
Holidayes 79
Horses, ibid.
Horsbread, see Inholders
House-Doves, see Pheasants
Huy and Cry 80

Hunters and Hunting 81
Husbandry and Tillage 84

I

JEſuites, ſee Recuſants.
Importation, ſee Tranſportation
Imbracery, ſee Maintenance
Indictments 84
Informer 86
Ingroſſers, ſee Foreſtalers
Inholders, 86
Inmates, ſee Cottages 3
Inrolments 87
Iſſues, ſee Jurors 2
Jurors 88

L

LAbourers and Servants, and Apprentices 89
Larceny 93
Leather *Ibid.*
Lying in wait, ſee *Aſſault* 3
Linnen-cloth, ſee Cloth 5
Liveries and Retainers 97
Logwood, ſee Dyers.
Lords day, ſee Sabboth.

M

MAyme, fol. 97
Maintenance, *ibid.*
Manſlaughter 99
Mariners, ſee Captains 4
Malt 100
Market, ſee Faires
Maſſe, ſee Preachers 7
Milch-kine 101
Mortuary 102
Miller, ſee Toll
Miniſter, ſee Preacher
Miſpriſion, ſee Treaſon
Maſons 103
Matrimony, *ibid.*
Murder, ſee Manſlaughter
Muſters, ſee Captains 2

N

NEts, ſee Fiſh and Hunters 6.
Night-walkers, ſee Good behaviour.
Nuſances, ſee Highwaies, 6, 7. 14.

O

Officers, see Constables & Churchwardens. 104.
Ordinary, *Ibid.*
Overseers of the Poore, see Churchwardens.

P

Parliament, 105.
Parke, see Hunters
Parson, Vicar, &c. see Preacher
Partridges, see Pheasants
Perjury, 105
Petty Treason, *ibid.*
Petty Larceny, see Larceny
Pewter and Brass, 105
Pigeons, see Pheasants 3.
Plague, 106
Playes, 107
Ponds, see Fish
Pope, see Rome
Poor People, 108
Poysoning, see Manslaughter.
Preacher, 120
Priests, see Recusants

Premunire, see Treason
Presentment, see Indictments
Prison and Prisoners 124
Promoter, see Informer
Prophesying, see Conjuration
Purveyors 128
Putting out Eyes, see Tongues.

R

RApe, fol. 130
Recusants, 131
Regrators, see Forestallers
Removing Prisoners, &c. 133
Repair to the Church, see Church 4
Rescues, 133
Restitution, 134
Retainers, see Maintenance
Riots, Routs, &c. 135
Robbery, 139
Rogues, see Vagabonds
Rome, 140

S

SAbboth day, see Holidaies
Sacraments, see Preachers 2.
Salmons, see Fish

Schoolmaſter, ſee Recuſants
Seale, ſee Weights
Searcher, ſee Leather. 1, 2. &c.
Seed Corn, ſee Corn
Seminaries, ſee Recuſants
Service and Sacraments 141
Servants, ſee Labourers
Setting Dogs, ſee Hunters 6
Sewers 142.
Sheep, *ibid*
Sheriffe, 143
Shoomaker, ſee Leather 17
Shooting, ſee Gunnes
Sope veſſels, ſee Coopers
Souldiers, ſee Captains, &c.
Spinſters and Carders, ſee Cloth 4.
Spice, 144
Stock of the County, ſee Treaſurer
Stoln Goods, ſee Reſtitution
Subſidy, 144
Superſedeos, ſee Certiorari
Swans, 145
Swearing or Curſing 145

T

TAnner, ſee Leather 3
Teſtimonial, ſee Labourers
Theft, ſee Robbery Tillage,

Tillage, ſee Husbandry
Tilemaker, 145
Tinkers, ſee Vagabonds
Tipling & Tiplers, ſee Alehouſes 1
Toll, 147
Tongues, *ibid.*
Tranſportation *ibid.*
Traverſe, 149
Treaſon, 150
Treaſurer 151
Treſpaſſe 153
Trouts, ſee Fiſh
Turne of the Sheriffes, ſee Sheriffe

V.

VAgabonds 154
Veſſels, ſee Coopers
Victualls and Victuallers 157
Vnlawful Games, ſee Playes
Vndertake work, and not finiſh, ſee Labourers 8
Vſury 158

W.

WAges 159
Weanlings, ſee Butchers
Watch and Ward 159
Wax 162

Schoolmaſter, ſee Recuſants
Seale, ſee Weights
Searcher, ſee Leather. 1, 2. &c.
Seed Corn, ſee Corn
Seminaries, ſee Recuſants
Service and Sacraments 141
Servants, ſee Labourers
Setting Dogs, ſee Hunters 6
Sewers 142.
Sheep, *ibid*
Sheriffe, 143
Shoomaker, ſee *Leather* 17
Shooting, ſee Gunnes
Sope veſſels, ſee Coopers
Souldiers, ſee Captains, &c.
Spinſters and Carders, ſee Cloth 4.
Spice, 144
Stock of the County, ſee Treaſurer
Stoln Goods, ſee Reſtitution
Subſidy, 144
Superſedeos, ſee Certiorari
Swans, 145
Swe ring or Curſing 145

T

TAnner, ſee Leather 3
Teſtimonial, ſee Labourers
Theft, ſee Robbery Tillage,

Tillage, ſee Husbandry
Tilemaker, 145
Tinkers, ſee Vagabonds
Tipling & Tiplers, ſee Alehouſes 1
Toll, 147
Tongues, *ibid.*
Tranſportation *ibid.*
Traverſe, 149
Treaſon, 150
Treaſurer 151
Treſpaſſe 153
Trouts, ſee Fiſh
Turne of the Sheriffes, ſee Sheriffe

V.

VAgabonds 154
Veſſels, ſee Coopers
Victualls and Victuallers 157
Vnlawful Games, ſee Playes
Vndertake work, and not finiſh, ſee Labourers 8
Vſury 158

W.

VVAges 159
Weanlings, ſee Butchers
Watch and Ward 159
Wax 162

Warren, see Hunters 1, 2.
Weavers, see Cloth 4
Weights and Measures 162
Wild-Fowle 162
Wines 163
Witchcraft, see Conjuration
Woods, 166
Wooll *ibid.*
Women, see Rape & Labourers 10

Y

YArne, 154.

Resolutions of the Judges touching the Poore 117
Resolutions of the Judges of Assize upon certaine Questions touching parishes, &c. 167
The Judges Opinions concerning the Commissions by which the Justices sit at Newgate, &c. 182
Coroners, of their Office and Authority, &c. 187.
In what cases a man shall have his Clergy, and in what not, &c. 193

Finis.

A brief SVMMARY of the LAVVES, and STATÜTES of *ENGLAND*.

lehouſes and Drunkenneſs.

IF any Inkeeper, or any Alehouſe-keeper, ſhall ſuffer any perſon dwelling in the Town, Village or Hamlet where ſuch Inne or Alehouſe is, to remain d continue drinking there (other then ſous invited by Travellers, accompying them only during their neſſary abode there; Labouring-men, d Handicrafts-men for an houre at ner time; and Labourers and Workn which for following their worke, ge and victual in ſuch houſes) other n for urgent occaſions allowed by o Juſtices of the Peace, he ſhall for-

An alehouſe keeper permitting any to continue drinking in his houſe.

 feit

feit to the poor there for every ſuch offence proved by two witneſſes upon Oath, or ſeen by a Juſtice of the peace of that limit, 10. s. 1 *Jac.* 9. & P. 6.

By the Stat. of 7 *Jac.* 10. he ſhall be diſabled to keep an Alehouſe for three years after.

2. Whoſoever ſhall continue drinking in Inne or Alehouſe in the town where he then dwelleth contrary to the Stat. 1 *Jac.* 9. before mentioned, the ſaid offence being proved, or ſeen, as aforeſaid, and preſented within moneths, ſhal forfeite and pay to the uſe of the poor there, within a week after for every ſuch offence, 3s 4d. if the offender be not able to pay the ſaid forfeiture, then he ſhall be ſet in the ſtocks 4 houres. 4 *Jac.* 5. & P. Drunkenneſs.

And if any perſon whereſoever habitation he ſhall be found upon his own confeſſion or proof of one neſs to be tipling ſo as before, he incurr the like penalty as if he dwell in the ſame place. 21 *Jac.* 1 *Car.* 4.

Note. Note that if any Alehouſe-keeper ſhall ſo continue drinking in the ſame where he dwells, he ſhall be diſabled three yeares, *per le* Stat. 4 *Jac.* 5. *Jac.* 10.

3. If any Inkeeper or Alehouſe-keeper, *&c.* ſhall utter or ſell leſs than

full Alequart of the beſt Beer or Ale for a penny, and of ſmall two quarts for a penny, he ſhall forfeit for every ſuch offence being proved as aforeſaid, 20. s. to the uſe of the poor there. 1 *Jac.* 9. & *Poulton*, Alehouſes, 7. &c.

But by the Stat. 7 *Jac.* 10. he ſhall be diſabled three years.

Whoſoever ſhall be drunk, and there- A Drunkard
of be lawfully convicted within ſix moneths after, ſhall forfeit and pay to the uſe of the poor there within one week 5. s. and if he be not able to pay it, then he ſhall be ſet in the ſtocks ſix houres; and if after that he ſhall be againe convicted of the like offence, then he ſhall be bound with two ſureties in 10. *l.* to be from thence forth of good behaviour 4 *Jac.* 5. & *Poulton*, drunkenneſs, 1, & 5. for the firſt offence 5, s. for the ſecond offence to be bound to the good behaviour, 21 *Jac.* 7. he doth alſo forfeit 20. s. or not paying it, is to be whipped, and for the ſecond offence to goe to Bridewell, 3 *Car.* 4.

Note that ſuch offenders being once puniſhed by the Eccleſiaſtical Lawes, ſhall not eftſoons be puniſhed for the ſame offence. 4 *Jac.* 5. P. Drunkenneſs. 8. 21 *Iac.* 7.

5. Whoſoever ſhall keep Alehouſe without licenſe, or contrary to the commandement of two Juſtices of the peace one of them being of the Quorum, ſhall

be impriſoned 3. daies without bayle, and before his delivery be bound by Recognizance with two ſureties not to keep Alehouſe any more, as the Juſtices ſhall think fit. And ſhall be alſo fined by the Juſtices in their open Seſſions for every ſuch offence 20. s. 5. & 6 *Ed.* 6. 25.

An Alehouſekeeper offending again 1 *Jac.* 9. or 4 *Jac.* 5. in any particular ſhall be diſabled from keeping an Alehouſe for 3. yeares after, 21 *Jac.* 7.

Conſtables and ſuch like officers are to be charged upon their Oaths to preſent the offences of the Stat of 1 *Jac.* & 4 *Jac.* 5.

The penalty for ſelling Ale or Beer the perſons unlicenſed, ſee Brewers 4.

An Alehouſe-keeper once lawfully put down, cannot be allowed again but in open Seſſions. Judge *Warberton Cambr.* Aſſizes, 1613. & *Dalton* 25; 26. *tamen quære.*

6. If a common Inkeeper, or Alehouſe-keeper ſhall refuſe to lodge a Traveller, he ought to be ſuppreſſed *Dalton* 25.

7. None may ſell Ale without Licenſe, in pain of 20 s. to the uſe of the poor, and not paid, his goods ſhall be ſold to pay it, and if he have not wherewith to pay it, he is to be openly whipt. 3 *Car.* 2.

8. It is alſo penal to the Inneke

er; or Alehouſe-keeper, Vintner, and Victualler, to ſuffer tipling in his houſe. 1 *Car.* 4. 4 *Jac.* 5. 1 *Jac.* 9.

9. And for the ſecond offence either of them is to be committed to the houſe of Correction for a moneth, and for the third offence not to be thence enlarged but by order of Seſſions. 3. *Car.* 3.

Archery.

1. ALL perſons lacking or not uſing Bowes and Arrowes according to the Stat. 33 *H.* 8, 9. (except perſons excepted by the ſaid Stat.) ſhall forfeit the ſeveral penalties impoſed upon them to the King and Informer, ſo as the ſuite be commenced againſt them within a year after. See. See P. 1. &c. Bowes and Arrowes.

2. All falſe makers of Arrow heads ſhall be puniſhed according to the Stat. 7 *H.* 4. 7.

3. If the Inhabitants of every Town and place ſhall not make and continue their Buts as they ought to do, they ſhall forfeit for every moneth 20 s. 33. *H.* 9. Arrow heads.

Ride or go armed.

IF any persons (except the Kings Servants or Officers in doing their service, and their company aiding them in that behalf) shall ride or go armed by day or night, or shall bring force in affray of the Kings people before the Kings Justices or otherwise, they shall lose their armour, and be imprisoned at the Kings pleasure, and may also be bound to the peace or good behaviour. 2 Ed. 3, 3. & P. 1.

Imbezell the Kings armour.

2. To imbezel the Kings Armour, Ordnance, or Victuals to the value of 20. s. it is felony, so as the offender be impeached within a year after, 31 El. & P. 3.

Recusants Armour.

3. All the Armour, Gunpowder, and Munition soever of Recusants convict other then necessary weapons, shall be taken from them by warrant from four Justices of the peace at their quarter Sessions; and yet they shall be charged with maintaining the same, and with buying more in such sort as other Subjects are according to their ability. Jac 5, & P. Recusants 75.

4. Any Justice of Peace that finds a man to goe or ride armed in an unusual way with secret coats of mail, pistols, or the like, may if he please cause him to be disarmed, and bind him to the peace. But soldiers, and ministers of Justice may go armed.

Ar

1. IF any Artificers Workmen, or Labourers ſhall conſpire, promiſe, or make oathes that they will doe their worke but at a certain price or rate, or will not finiſh what another hath begun, or ſhall otherwiſe conſpire for the order of their work. Artificers conſpiring for the order of their work.

Or if any Butchers, Bakers, Brewers, Poulteres, Cookes, Coſtermongers, or Fruiteres, ſhall conſpire, covenant, promiſe, or take any oathes that they ſhall not ſell their victuals but at certain prices, every of them ſo offending being lawfully convicted thereof, ſhall forfeit for the firſt offence 10 *l.* to the King, and if he doe not pay the ſame within ſix daies after conviction, he ſhall be impriſoned twenty dayes, and have only bread and water for his ſuſtenance; and for the ſecond offence 20 *l.* or *&c.* and ſuffer the puniſhment of the pillory, and loſe one of his ears, and never be credited in matter of judgement. 2 *Ed.* 6. 15, P. 1, & Iuſt. 56. Batchers, Bakers, *&c.*

Artificers are compelled to work in Harveſt. See Labourers. Nota.

None ſhall occupy any art but which hath been an Apprentice. See labourers.

Aſſault.

1. IF any ſhal committ unlawful Aſſault, beating, wounding, or ſuch like treſ-

treſpaſſes againſt the body of any one or ſhall with force and againſt the Law take the goods of another, or ſhall do any treſpaſs in the lands of another they ſhall be impriſoned, and puniſhed according to the offence by the Juſtices diſcretion.

But the fines which they aſſeſs muſt be reaſonable, having regard to the quality of the treſpaſs, and the cauſe. 2 *Ed.* 3. 6, 33 *Ed.* 3. 1. & P. Juſt. 18.

A ſervant or workman aſſaults his Maſter. See Labourer.

Lying in waite. Whoſoever ſhall lie in waite to robbe, maime, or kill another, ſhall be impriſoned and fined. See *Poultus*, Juſt. 18.

Aſſize of Bread and Drink.

Baker, Brewer. 1. IF any common Brewer, Baker, or Tipler have broken the Aſſize of Bread, Beer, or Ale, he ſhall be fined by the diſcretion of the Juſtices, &c. And if any Steward in Leet, or Officer in Market-Town, ſhall take any fine for breach of the Aſſize of Bread or Ale, in ſuch caſes where corporal puniſhment is appointed, he ſhall be grievouſly fined, 51 *H.* 3. 13 *Ric.* 2. 8.

3. Break the aſſize; the 1, 2, 3. time he ſhall be amerced.

3. If a Baker or Brewer ſhall break the Aſſize, the firſt, ſecond, and third time, he ſhall be amerced according to his

his offence, except it be great, but if his offence be great, or that he doth offend a fourth time, or oftner, then the Baker offending shall be set on the Pillory, and the Brewer punished by the Tumbrel; which shall not be pardoned for gold nor silver 51 *Hen.* 1. & P. Weights and Measures, 15.

4. For the Assize of Fuel, See 7 *Ed.* 6. 7. 43 *Eliz.* 14.

Badgers, Laders, Drovers.

To whom and where a Badgers License shall be made.

1. ALL Licences made to any Badger, Lader, Kidder, or Carrier of Corne, Drover of Cattel, Buyer or Transporter of Corn and Grain, Butter and Cheese, otherwise then in the open generall quarter Sessions of the peace holden in the Shire where the party admitted, assigned, or allowed doth, or by the space of three years before the Teste of this Licence hath dwelled, or other then to such persons as is, or hath been married, is a housholder, no household servant, or retainer, and thirty years of age at the least, or to have continuance for more then one year, or which beareth not date the day and place where the Sessions is holden, or is not signed and sealed with the hands and seals of three Justices of the peace at the least there

present, whereof one to be of the Quorum, shall be void, and the party which taketh the same shall forfeit 5 l. to the King and Informer, 5 El. 12. & P. 2.

2. Whosoever shall by authority of such license buy any Corne out of open Fair or Market to sell the same again (except he be thereunto specially licenced by expresse words in his License) shall forfeit, *ut antea*. 5 l. 5 El. 12. & P. 2.

Bark.

Regrating or ingrosing of Bark.

1. WHosoever shall get into his hands any Oaken barke, to the intent to sell the same again, shall forfeit the barks, or the full value thereof. 1 *Jac.* 22. & P. Leather, 14.

At what time trees to be barked shall be felled.

2. Whosoever shall sell any trees meet to be barked, where bark is worth 2 s. a load, without the charge of barking and pilling timber for necessary building or reparations of houses, ships or mills excepted, but between the first day of *April*, and the last of *June*, shall forfeit for every tree the double value thereof. 1 *Jac.* 22. & P. Leather 15.

Barat

A Common Barrator is he who is either a common mover, or ſtirrer up, or maintainer of ſuits in Law in any Court, or elſe of quarrels in the Country, and not only in one, or two, but in many cauſes.

Such perſons may be bound to the Peace, or good behaviour, and may be impriſoned and puniſhed according to the Juſtices diſcretion. 2 *Ed.* 3. 6. & Juſtices 18.

Baſtardy.

HE that is ſuſpected to have gotten a Baſtard, ought to be bound to the good behaviour, to the end he may be forth-comming when the child ſhall be born. *Lam.* 12.

Who ſhall take order for Baſtardy.

Two Juſtices of Peace, one of them being of the Quorum, in, or next to the limits where the pariſh Church is, in which pariſh any Baſtard begotten and borne out of lawful Matrimony, ſhall be born, upon examination of the caſe and circumſtances, ſhall and may take order by their diſcretions, as well for the relief of the pariſh, and keeping of the child, by charging the mother, or reputed father with the payment of money weekly, or other relief, as alſo for the

the puniſhment of the mother, and
Refuſing to perform the order. puted father, 18 *El.* 3.
If the mother or reputed father, u
notice thereof, ſhall not performe
order of the Juſtices, ſubſcribed un
their hands, ſuch perſons ſo making
fault, ſhall be by the ſame Juſtices co
mitted to the common Gaole, there
remain without baile, or mainpr
except ſuch perſon ſhall put in ſuffici
ſureties to perform the ſaid orders,
appear at the next Seſſions of the pe
to be holden in that County, and
to abide ſuch order as the Juſtices or
more part of them ſhall there take
that behalf; and if they take no o
there, then to abide the order be
made, *ibid.* & P. 1.

Nota. That the Mother may be examin
upon Oath concerning the reputed F
ther.

The puniſhment of the Mother. By the Stat. 7 *Iac.* every ſuch le
woman ſhall be ſent to the houſe of c
rection there to be puniſhed, and ſet
work for a year, and if ſhe ſhall e
ſoons offend ſo again, then to be co
mitted to the ſaid houſe of correction
aforeſaid, there to remain untill
can put in ſureties for her good beha
our not to offend ſo again.

Nota. But ſuch a Baſtard child muſt be c
that is left to the charge of the pari
or likely to be chargeable to the pari
7 *Iac.* A.

If the Juſtices may puniſh the Mother by force of the Stat. 18. *Eliz.* and after ſend her to the houſe of correction, becauſe *Nemo debet bis puniri pro uno delicto.* Quere.

The Mother may not be ſent to the houſe of correction before the child be born. *Dalton.* Nota.

Such child is not to be ſent to the houſe of correction with the Mother, but rather to be kept in the town where it was born, and there to be relieved by the work of the Mother, and by relief commonly from the Father; yet it is commonly uſed to ſend the child with the Mother to the houſe of correction, *de eo quære.*

By the new Stat. of 14. *Car.* 2. there is releif given to a pariſh who hath ſuch a child left in it, and the putative Father run away. See it in *Poor.*

Brewer, and Baker.

1. IF any Brewer which breweth Beer or Ale to ſell, ſhall by himſelf, or other to his uſe, occupy the myſtery of Cooper, or make Barrels, &c. or other veſſels of wood wherein to put his Beer or Ale to ſale, he ſhall forfeit for every veſſel made 3. *ſ.* 4. *d.* to the King and the Informer. 23 *H.* 8. 4. No Brewer ſhall be a Cooper.

2. If

The prices of Ale and Beer.

2. If any Beer-Brewer or Ale-Brewer ſhall ſell his drink at higher prizes then ſhall be appointed by the Juſtices of the Peace, &c. he ſhall forfeite for every Barrell ſo ſold ſix ſhillings, for every Kilderkin three ſhillings and four pence; for every Firkin two ſhillings; for every leſſer veſſell twelve pence, and for a greater then a Barrell ten ſhillings to the King and Informer. 23 *Hen.* 8. 4. & *Poulton* 2.

Nota,

3. The Juſtices of the Peace for every ſhire where any Ale or Beer-Brewer doth dwell (out of a City, Borough, or Town, or other place where no head Officer hath any rule) have power to Seſs and Tax by their diſcretions the prices of every Barrel, Kilderkin, or Firkin of Ale or Beer. 23 *H.* 8. 4. & *P. Juſt.* 78.

None ſhall ſell drink to an alehouſe keeper unlicenſed.

4. If any perſon ſhall by himſelf or otherwiſe, directly, or indirectly ſell, utter, or deliver any Beer or Ale to any perſon, or into the houſe or ſeller of any perſon that then ſhall ſell Beer or Ale as a common Tipler without Licenſe then in force to ſell Ale or Beer, he ſhall forfeit for every Barrell 6. *s.* 8. *d.* and ſo after that rate for a greater or leſſer veſſel or quantity. 4 *Jac.* 4, & *P. Alehouſes* 10. See more 31 *Eliz.* 8.

Buggary

THe Juſtices of peace may heare and determine the ſaid offences of Buggary, as they doe uſe to doe in other caſes of Felony, and ſuch offender ſhall not be admitted to his Clergy. 25 *H.* 8. 6. 5 *El.* 17. & *P.* 1. Buggary.

Burglary.

BUrglars ſhall not have the benefit of their Clergy. 18 *El.* 6. But there are four ſpecial things which muſt concur to make this Felony, *viz.* Burglary.

1. The time, onely in the night.

2. The place, either publick, as the Church, or walles or gates of a City, or walled Town, or private, as a dwelling houſe, and then ſomebody muſt be within at the ſame time. Alſo the breaking in the night of a ſtable, barne, or other out-houſe adjoyning or near the dwelling houſe, to the intent to ſteale, is Burglary, though he take nothing. See *Dalton.*

3. The manner conſiſteth, partly in breaking of the houſe, and partly in entring therein; yet it ſeemeth that he that is taken in the only attempt of a Burglary, ſhall be hanged though he make no actual entry, as to put back the leaf of a window, to draw the latch of a door, or turn the key in the inner ſide of

of the door, to break a glaſs window and hook out any goods, or to come down a chimney, &c.

4. The intent, which muſt be either to kill or rob ſome perſon, or doe ſome other Felony. See *Dalton* 223.

Burning of houſes.

TO burn a dwelling houſe, or other houſe parcell thereof, by night or day felonioufly, is felony.

So it is to burn a ſtack of Corn felonioufly.

So it is to burn a Barn adjoyning or near a dwelling houſe in the night felonioufly.

So it is alſo to burn a Barn in the day time having Corn in it, though it be not adjoyning to the dwelling houſe.

Butchers.

Kill not weanlings.

1. IF a Butcher ſhall buy cattel, and ſell the ſame alive, he ſhall forfeit to the King and Informer the ſame cattel 3 & 4 *Ed.* 19. 1 *Jac.* 25. & P.

2. If a Butcher or other perſon ſhall kill any Weanlings, Bullock, Steere, or Heifer being under the age of two years

to the intent to ſell the ſame againe whole by retail, he ſhall forfeit to the King and Informer for every one ſix ſhillings and eight pence, 24 *H.* 8. 9. 2 *Jac.* 25. & P. 2.

3. A Butcher that ſelleth Swines fleſh meaſled, or fleſh dead of the morein, after he ſhall be convicted thereof, ſhall for the firſt time be grievouſly amerced; the ſecond time be judged to the Pillory, the third time he ſhall be impriſoned and fined; and the fourth time he ſhall forſwear the town. Selling meaſled or morein fleſh.

And in this manner it ſhall be done of all that offend in like caſe, as of Cookes, &c. 51 H. 3. & P. 4.

4. If a Butcher ſhall gaſh or hurt any hide of Ox, Bull, Steer, or Cow, he ſhall forfeit for every hide 20 *d.* 1 *Jac.* 22.

Or ſhall water any hide, except in *June*, *July* or *Auguſt*, or ſhall put to ſale any putrified, 3 *s.* 4. *d. Ibidem* & P. Leather, 1.

5. No Butcher or other perſon ſhall kill any Calfe to ſell, being under five weeks old, on pain to forfeit for every calf. 6 *s.* 8 *d.* 1 *Jac.* 22. & P. Leather, 2.

6. No Butcher ſhall be a Tanner *ſimul & ſemul*, under the pain of forfeiting 6 *s.* 8 *d.* for every day. 1 *Jac.* 22. & P. *Ibidem* 3.

Butchers conſpiring to ſell their meat at certain prices, See Artificers 1.

Butter

Butter and Cheese.

FOr the sale and buying of Butter and Cheese, See 34 *Ed.* 6. 21. 5 & 6 *Ed.* 6. 21. 21 *Jac.* 21. 14 *Car.* 2. And for the weight and packing of Butter, the new Statute. 14 *Car.* 2.

Captains, Souldiers, Musters

Souldier making away his horse or harness.

1. IF any Souldier serving the King in his wars shall give away any horse, gelding, mare, or harness wherewith he was set forth, he shall be imprisoned till he make satisfaction. 2 *Ed.* 6. 2. & P. Iust. 84.

Absenting from the Musters.

2. If any person absenting himself without true and reasonable cause (being commanded to Muster before any having authority for the same) or not bringing with him in a readiness his best furniture of array, and armour of his own person, he shall be ten days imprisoned, or pay forty shillings fine. 4 & 5 P. & M. 3. & P. 12.

3. If any person authorised to muster or levy men for the Kings service in war, shall take any reward for the discharge or sparing any from that service, or shall not pay to his Souldiers their whole wages, conduct, and coat-money within ten daies after he shall receive the same, or for gain hath licensed any to depart out of the service, he shall forfeit

forfeit for every offence ten times as much as he taketh, and pay to every Souldier treble the summe withholden. 4 & 5 P. & M. 3. 2 Ed. 6. 2. & P. 15.

4. Every parish shall be charged with a weekly summe towards the relief of Souldiers and Mariners by the more part of the Justices of the peace in their generall quarter Sessions next after Easter yearly, so as no parish be rated above 10.d. nor under 2.d. and so as the total summe of such taxations in any County where there shall not be above 50 parishes doe not exceed the rate of six pence for every parish in the same County. 43 Eliz. 3. & Poulton 17.

A Remedy for such as refuse to pay the said taxation. *Ibid.*

5. Who shall collect the said taxation, and how, and when they are to dispose of it, see 43 El. 3. & Poulton 18.

6. The Justices of the peace shall grant relief in quarter-Sessions to Souldiers and Mariners, and may alter and revoake the same again. *Ibid.* & P. 19.

They may also alter and dispose of the surplusage of the stock, at the most of them there shall think fit. *Ibid.* & P. 24.

7. If a Souldier or Mariner shall be taken begging, or shall counterfeit a Certificate, he shall for ever lose his pension,

penſion, and be puniſhed as a comm
Rogue. *Ibid.* & P. 23.

Felony in Souldiers.

8. If a Souldier, Mariner, or Drum
mer depart from his Captaine witho
licence, it is felony, 18 H. 6. 19.
P. 3.

9. If a Souldier or Mariner wander
broad without a Teſtimonial, it is f
lony. So it is in every one wandring
a Souldier or Mariner, which ſhall for
or counterfeit a Teſtimonial, 39 *El.* 17
& P. *ſub titulo* Mariners 4 & 5.

Certificate.

How and by whom a Certificate
a Souldier or Mariner ſhall be allow
and made, ſee 43 *El.* 3. & P. 19.

Certiorari, and Superſedeas

1. PRoces of the Peace, or good beh
viour may not be granted, but
motion in open Court; if granted
otherwiſe, they are void.

2. Falſe ſureties procured for th
giving of Writs of Superſedeas may b
puniſhed by the Judges of the Court.

3. *Certioraries* may not be allowed un
leſs the partie indicted will becom
bound to pay Coſts, 21 *Jac.* 8.

Chuſe

1. IF any perſon ſhall malitiouſly ſtrike with any weapon in Church or Churchyard, or draw any weapon there to that intent, and ſhall be thereof lawfully convict, he ſhall have one of his ears cut off, and if he have no ears, then he ſhall be burned in the cheek with a letter F. and ſtand (*ipſo facto*) Excommunicate, 5 & 6 *Ed.* 6. 4. & P. Fighting 4.

2. Fairs or Markets in Churchyards; ſee Fairs.

3. If any ſhall felonioufly take goods out of any Church or Chappell, it is Felony, and he ſhall not have Clergy. See P. Clergy 13.

4. Whoſoever not having lawful and reaſonable excuſe to be abſent, ſhall not repaire to his or her pariſh Church or Chappel accuſtomed, or upon let thereof to ſome uſual place where Common Prayer is to be uſed every Sunday, and other Holyday, and there orderly and ſoberly abide during the time of ſuch Common Prayer, Preaching or other ſervice of God, and ſhall be called in queſtion within one moneth after default, ſhall forfeit for every default 12. *d.* to the uſe of the poor where ſuch offenders ſhall be reſident and abiding at the time of ſuch offence committed. 1. *El.* 2. 3 *Jac.* 4. & P. Recuſants 1, & 50. Not repairing to the Church.

And whoſoever being above the age of 16 years, ſhall not repair to ſome Church or Chappel as aforeſaid, ſhall for-

forfeit for every moneth 20. *l.* to t
King, 23 *El.* 1. & P. Recusants 2.

And whosoever shall keep, relieve,
harbour any such person, shall forfe
every moneth 10. *l.* 3 *Jac.* 4. & P. R
cusants 51. See Recusants.

Churchwardens, and Overseers.

1. IF the Church-wardens and Ov
seers of the poor of every Par
shall not take order for setting a wo
or relieving their poor, or for assisti
the inhabitants and occupiers of la
in their parish, or shall not endeav
to levy such Assessments, or shall
meet together monethly and accou
as they ought, every one making
fault, shall forfeite for every defa
20. *s.* to the use of the poor. 43 *El.* 2
P. Poor 2. 12.

And if any Church-Warden,
Overseer shall refuse to account, t
Iustices may commit him to pri
without baile till he make a true
count, and satisfie and pay so much
upon the said account shall be rema
ing in his hand. 43 *El.* 2. & P. 4.

2. If the Church-Wardens, &c. fl
not truly collect, and pay over to
h

high Conſtable of that diviſion ten daies before the end of every quarter Seſſions ſuch money as they ought to pay for relief of the priſoners in the Marſhalſee and Kings bench, then they ſhall forfeit for every default 10. s. to the uſes in this Act compriſed. 43 *El.* 2. & P. Poor 14.

And they alſo forfeite 5. *l.* for not levying the money, and paying the ſame money ſo taxed for relief of the priſoners in the common Gaoles of the County, according to the Stat. 14 *El.* 5. & P. Priſon 4.

3. If the Churchwardens and petty Conſtables ſhall not truly collect and pay to the high Conſtables of that diviſion ten daies before every quarter Seſſions ſuch money as they ought to pay for the relief of Souldiers and Mariners, they ſhall forfeit for every default 20. s. 43 *El.* 3 & P. Capt. &c. 17, 18.

4. If the Churchwardens or Overſeers, or other Officer to whom the mony forfeited by 4 *Iac.* for uttering Beer or Ale to Tiplers unlicenſed ſhall be payed, do not within convenient time truly beſtow the ſame among the poor, they ſhal forfeit double the value thereof. 4 *Jac.* & P. Alehouſes 12, 13.

5. The Churchwardens duty in levying the penalties of Alehouſe-keepers, &c. See Conſtables 9.

Their duty in preſenting the moneth-

ly

ly abſence from Church of Recuſant
See Conſtables 14.

7. Their duty in chuſing dayes
amending the highwaies. See high
waies 1, 11.

8. They forfeit 5 *l.* for not receivi
Rogues lawfully ſent unto them.

Their duty for binding out poo
Children Apprentices, and imploy
their mony according to the Stat. 7 J
3. See Conſtables 15.

9. They are to help the Conſtable
make a rate for his relief, when
hath been at charge about rogues.

10. They are to joyn with the ove
ſeers of the poor in all their work, a
to joyn with them & ſometimes wi
the Conſtable in the doing of oth
things upon Juſtices warrants, as
levie the penalty upon ſuch as goe
the highwaies with unlawful Cart
Carriages or burthens. To levie t
Forfeitures for the highwaies in caſe
default by the Surveyors. 14 *Car.*
2 & 3. *Ph.* & *M.* 8. 5 *Eliz.* 13. 18 *El*
10. Soe to levie the 5 *l.* Forfeiture on
Miniſter reſident on the place that do
not once a moneth read Comm
prayer. 14 *Car.* 2.

Cler

IN what caſes Clergy is allowed, and what not, ſee *Poulton*, 1, *&c.*

2. Where Clergy lieth, it is grantable but once to one perſon, (except he be within holy Orders) 4 *H.* 7. 13. 8. 16.

3. For Felonie where Clergie is allowed to a man, the woman ſhall be burned in the hand, with an hot Iron, 1 *Jac.* 6.

Clark of the Market.

IF the Clark of the Market ſhall take any common fine to diſpence with faults, or ſhall ride with more then two horſes, or tarry longer in the country then the neceſſity of his buſineſs requireth, he ſhall forfeit to the King for his firſt offence 5 *l.* for the ſecond offence 10 *l.* and for the third offence *l.* 13 *Ric.* 2. & P. 1. Common fine.

2. He ought alſo to have all his Weights and Meaſures ſigned according to the Standard of the Exchequer with them, when he goeth to aſſay Weights and Meaſures; and he nor any other ſhall uſe any other Weight or Meaſure, 16 *Ric.* 3. & *P.* 1. See Weights and Meaſures, 16, 17. *Car.* 15. Weights & Meaſures.

1. THe Juſtices of peace in the ſeveral quarter Seſſions m enquire, heare, and determine eve fault and offence made, or done co trary to the Act of 39 El. 20. concer ing woollen cloth, ſee P. Drapery, 1 &c. & 43 El. 10.

2. If any perſon ſhall preſent Cloth which is defective or faulty c trary to the Stat. 5 Ed. 6. the ſ Cloth ſhall be by two Juſtices of Peace cut into three equal parts, whe of the King ſhall have one, the p ſenter one, and the third they ſhall tain themſelves. 5 Ed. 6, 6. & P. D pery. 29.

Refuſing to pay wages.

3. If Clothiers, or other Ma ſhall refuſe to pay ſuch wages to t Spinſters, Weavers, and other W men whatſoever as ſhall be aſſeſſe the Juſtices of the Peace at their S ons, and ſhall be thereof convict, ſhall forfeit for every ſuch offence to the party grieved. 1 Iac. 6. Juſt. 66.

4. If Spinſters, Carders, Weaver ſhall imbezell, ſell or detain any of their Clothiers wooll, or yarn, as every one of them, as the buyers, the receivers thereof knowing the to be imbezelled, being convicted th of by confeſſion of the party, or pr by one ſufficient witneſs upon O before two Juſtices, ſhall give ſuc

comp

compence to the party greived, as the Juſtices ſhall think fit; and if they be not able, then to be whipped and ſet in the ſtocks near the place where the offence was committed. 7 *Iac.* 7.

5. If any perſon ſhall wittingly uſe any deceitful art or means with Linnen Cloth, whereby the ſame is made worſe for the uſe thereof, he ſhall forfeit his ſaid Cloth, and ſuffer one moneths impriſonment at leaſt, and pay ſuch fine as ſhall be aſſeſſed by the Juſtices. *Eli* 7. 12. *&* *P.* Linnen cloth. 2. ee more. 28 *H.* 8. 4. 1 *Eliz.* 11. 1 *Ed.* 3. 3. 25 *Ed.* 3. Stat. 4. 27 *Ed.* Stat. 1. 4. 50 *Ed.* 3. 7. 8. 3 *Ed.* 2. 7 R. 2. 9. 13 R. 2. 10. 17 R. 2. 2. H. 6. 9. 6 *Ed.* 4. 1. 7 *Ed.* 4. 3. 7 *Ed.* 4. 5. 3 *H.* 7. 11. 3 *H.* 8. 7. 5 *H.* 2, 3. 6 *H.* 8, 9. 15 *H.* 8. 11. 27. *H.* 12, 13. 33 *H.* 8. 19. 3 & 4 *Ed.* 6. & 6. *Ed.* 6. 8. 2 & 3 *Ph.* & *M.* 11. & 5 *Ph.* & *M.* 5. 8 *Eliz.* 6, 7. 12. *Eliz.* 9. 27 *Eliz.* 17, 18. 35 *Eliz.* 10, 11. 20. 14 *Car.* 2. 21 *Jac.* 8.

Linnen Cloth.

Dyers and Dying.

The default, and puniſhment of Dyers, 23 *Eliz.* 9. 39 *Eliz.* 11. & Drapery, 65. & Juſt. 82.

Conjuration, Witchcraft, Propheſying.

Conjuration or Witchcraft whereby any perſon is killed or lamed.

1. WHoſoever ſhall uſe Invocation, or Conjuration, of any evil ſpirit, or ſhall conſult, covenant with, entertain, imploy, feed, or reward any evil ſpirit, for any intent, or ſhall take up any dead man, woman, or child, or any part of any dead perſon, to be uſed in any manner of Witchcraft, Sorcery, Charme, or Inchantment; or ſhall uſe Witchcraft, Inchantment, Charme, or Sorcery whereby any perſon hath been killed, deſtroyed, waſted, conſumed, pined, or lamed in his body, or in any part thereof, ſhall, together with his Aiders, Abettors, and Counſellers, being lawfully convicted, ſuffer death as a Felon, and not have the benefit of Clergy. 1 *Iac.* 12. & *P.* 1.

Declaring where things be hidden, or procuring unlawfull Love.

2. Whoſoever ſhall undertake by Witchcraft, Inchantment, Charme, or Sorcery, to tell in what place any Treaſure of Gold or Silver may be found, or to the intent to provoke any perſon to unlawfull Love, or to impare, or deſtroy any perſons goods or cattel, or to hurt any perſon in body, although the ſame were not effected, ſhall for the firſt offence ſuffer Impriſonment

the ſpace of one whole year without Bail, and once every quarter of the ſaid year ſhall in ſome Market-Town on the Market or Fair day, ſtand openly on the Pillory by the ſpace of ſix houres, and there openly confeſs his fault and offence. 1 *Inc.* 12. & *Poſt.* 2. First offence.

And for the ſecond offence ſhall ſuffer death as a Felony and not have Clergy. *Ibid.* & P. 3. Second offence.

3. Whoſoever ſhall adviſedly advance, publiſh, and ſet forth by writing, printing, open ſpeeches, or deed to any other perſon, any fantaſtical or falſe Prophecie upon Armes, Fields, Beaſts, or Badges, or upon any Time, Name, Blood-ſhed, or War, to move thereby Rebellion, diſſention, loſs of life, or other Diſturbance, within the Kings Dominions, ſhall for the firſt offence be impriſoned a year without Bail, and forfeit to the King and Informer ten li. And for the ſecond offence be impriſoned during life, without Bail, and forfeit to the King and Informer all his goods and chattels. 5 *Eliz.* 15. & P. Prophecying. Prophecying.

Conſtables.

Who ought to be choſen Conſtables.

EVery Conſtable ought to be *Idoneus homo*, that is to ſay, apt and fit

fit for the execution of the said Office; and he is *idoneus* who hath these three things, *viz.*

1. Honesty.
2. Knowledge.
3. Ability.

1. Honesty to execute his Office truly, without malice, affection or partiality.

2. Knowledge to understand what he ought to do.

3. Ability, as well in substance, estate, as in body, that so he may attend and execute his Office diligently and not through impotency of body or want, to neglect the place.

And if any shall be chosen Constable, which is not thus enabled and qualified, he may be discharged. *Dalt. f.* 37.

The duties of Constables.

2. All Constables and other Officers ought to be attendant and assistant to the Justices of the Peace for the execution of the Stat. 33. & 37 *H.* 8 concerning Retainers, giving of Liveries, Maintenance, Embracery, Row-stavers, Archers, unlawful Games, Fore-stallers, Regraters, Victuallers, and Inholders upon pain to be fined by the discretion of any two Justices of the peace. P. Just. 20.

Escape.

3. If a Constable or such other Officer shall arrest one for Felony, and after suffer him to escape, it is Felony in such Constable

Conſtable, of whatſoever other kind the offence be, if the Officer ſhall by his will or negligence ſuffer the party to eſcape, he ſhall be fined, which Fine ſhall be equal with the value of his Goods, if his fault do ſo require. See the Duties of Conſtables. *f.* 22.

Purveyor.

4. If a Conſtable, or other head Officer ſhall be requeſted to reſiſt a Purveyor which refuſeth to make ready payment of any purveyance not exceeding forty ſhillings, and he notwithſtanding ſhall not aide and aſſiſt ſuch owner, he ſhall pay to the party grieved the value of the thing taken, and his double damages. 20 *Hen.* 6. 8. & *Poulton* Purveyors 22. & Juſt. 18.

Labourers in Harveſt.

5. If the Conſtable, or other ſuch Officer of any Townſhip upon requeſt made, and for the avoiding the loſs of Corne or Graine, or Hay in the time of Harveſt, ſhall not cauſe all ſuch Artificers and labourers (as be meet to labour) by his diſcretion, to ſerve by the day, for the mooving, reaping, or inning of Corn or Hay, according to the skill and quality of the perſon, and ſuch as refuſe to impriſon in the ſtocks by the ſpace of two daies and one night, he ſhall forfeit 40 s. *El.* 4. & P. Labourers 13.

Searoh for Rogues, and convey them to the houſe of correction.

6. If Conſtables and Tything-men ſhall not make privy ſearch within their

limits for Rogues and Vagabonds ac-
cording to the Statute 7 *Iac.* 4. C
ſhall not ſafely convey all ſuch Rogue
and idle perſons at the charge of th
Hundred, as by the Juſtices Warra
ſhall be ſent to the houſe of correctio
they ſhall forfeit ſuch fines as th
Juſtices ſhall think fit, not exceedi
forty ſhillings for every ſuch offenc
7 *Iac.* 4.

Apprehend Rogues as beg, and puniſh them.

7. If any Conſtable, or Tithing
man, ſhall not do his beſt endeavour
apprehend ſuch Rogues as beg, or abi
within his limits, or ſhall not cau
them to be puniſhed, and conveyed
way according to the Stat. 39 *El.* 4.
ſhall forfeit for every default 20 *l. ibid.*
& 1 *Iac.* 7. & P. Vagabonds 5. 6
vide P. 11. how this forfeiture ſhall b
imployed.

Outlandiſh Rogues;

8. If any Conſtable, Headborough
or Tythingman ſhall not puniſh, an
convey every Rogue and Beggar th
ſhall be brought and ſet on land her
from *Ireland*, *Scotland*, or the Iſle
Man, according to the Law, he ſha
ſo forfeit for every default, 10 *s.* 39 *El.*
& P. Vagabonds. 6.

Refuſing to receive Rogues to convey them.

9. If any Officer will not receive
Rogue to convey him according to th
Law, he ſhall forfeit 5 *l.* P. Vaga
bonds 5.

And if any being a ſturdy or im-
potent Rogue ſhall be ſent to a town
where

where he ought to be ſent, and ſhall be refuſed, that perſon refuſing ſhall forfeit l. And he that is ſent, is to be offered to the Churchwardens and Overſeers.

Toſ end Rogues by a generall paſſport is a forfeit of 5 l. Nota.

10. If any Conſtable. or other inferiour Officer ſhall not whippe ſuche Hedge breakers. hedge breakers, robbers of Orchards, and Gardens, cutting of Corne and Wood, &c. as ſhall be for that purpoſe committed to them by a Juſtice of the peace, he ſhall be impriſoned without bail till it be done. 43 Eliz. 7. & P. Treſpaſs 2.

11. Every Conſtable, and other Offi- Plague. cer that ſhall willingly make defaul in levying ſuch money, as they ſhall be commanded by the Warrants of any Mayor, Juſtices of the Peace, &c. for the relief of the poor infected with the Plague, ſhalll forfeit for every ſuch offence ten ſhillings to the uſe of the poor infected perſons. 1 Iac. 31. & P. Plague 3.

12. If any Conſtable or other infe- Drunkards. riour Officer, to whom it ſhall be given in charge by precept from any Juſtice of the peace, within his limits, ſhall neglect the due correction of a Drunkard, or the due levying of the penalties impoſed upon ſuch offenders, where diſtreſs may be had, he ſhall forfeit ten

shillings to the use of the poor of the same Parish. 4 *Iac.* 5. & *Poulton*, Drunkenness. 2.

Ale-house-keeper.

13. If any Ale-house-keeper shall be neglected by the Constables or Churchwardens not doing their duty in levying of the penalties, &c. Or in default of distress, shall not certifie such default by the space of two dayes the next ensuing to the Justices within whose limits the offence shall be committed, the Constables, &c. shall forfeit for every such default fourty shillings to the poor. 1 *Iac*, 9. & P. Alehouser 8.

Unlawful Games.

14. If Constables and other hen Officers shall not make due search weekly, or at the furthest once every moneth, where unlawful Games be and execute the Statute in all things according to the purport of the same shall forfeit for every moneth 40. 33 *Hen.* 8. and *Poulton* Players, 7, 8. See who shall have Forfeitures *ibidem*.

Poor children apprentices.

15. If the Parson or Vicar of Town or Parish, not corporate together with the Constables and Churchwardens, Collectors, and Overseers where any summe of money is, or shall be given to be imployed for the binding out of poor Children Apprentices, or any of them shall forbear wilfully, or refuse to imploy such Money

accor

cording to their Duties therein, e-
ery of them ſo offending, ſhall for-
eit three pounds, 6. s. 8. d. for every
uch offence, the one half to the uſe of
he poor, and the other half to any that
ill ſue. 7 *Jacobi* 3.

16. If Conſtables and Churchwar- Preſent
dens, or where there be none, the Recuſants.
hiefe Conſtables of the Hundred ſhall
ot once every year preſent the moneth-
abſent from Church of Popiſh Re-
uſants according to the Stat. of 3 *Iac.* 4.
ey ſhall forfeit for every default twen-
y ſhillings. 3 *Iac. Iac.* 4. P. Recuſants
&c.

17. If that Conſtables doe not ſee Watches ſet
Watch duly ſet and kept from Sun-ſet- and kept.
ing till the Sun-riſing, between *Aſcen-*
ion day, and *Michaelmas* day, and make
preſentment to the Juſtices of the peace
at their Seſſions, of the default of Wat-
ches, and ſuch as lodge Strangers, for
whom they will not anſwer, they ſhall
be fined by the diſcretion of the Juſti-
ces, *Winch.* 13. *Ed.* 1. 5 *Hen.* 4. 3. &
Poulton Watch 1, & 2.

18. If a Conſtable being preſent at Affray.
an Affray, ſhall not doe his beſt endea-
vour to part them, it being preſented at
the Seſſions, he ſhall be deeply fined,
and the Affrayer at the diſcretion of the
Juſtices; he may juſtifie the hurting of
them if they reſiſt, and may command
aſſiſtance, and impriſon the Affrayors
in,

in the Stocks till they finde ſuretie
the peace, *Dalton* fol. 28.

Making or Remove of a Conſtable.

It is now by the new Act of 14 C
2. provided that if any ſuch like Offi
as a Conſtable in a parish dye, or r
move, any two Juſtices may ſwear
new Officer in his place, to continue
the Leet, or the Quarter Seſſions, a
there the Stewards and Juſtices are
allow him, or chooſe another if he
not fit. And if ſuch an Officer ſh
continue in his Office above a year,
Juſtices may at their Seſſions diſcha
him, and put in another, till the Lo
at the Leete ſhall ſettle another. A
it is now agreed and out of queſtio

That where there is a Leete order
kept, there the Conſtable is to be cho
ſen; and if there be either no ma
or not a fit man choſe, the Juſtices
their Seſſions may chooſe or chang
him.

Conſtable may make a Rate to convey Rogues.

That where the Conſtable is put up
on a charge extraordinary to paſs an
convey Rogues, he may relieve him
ſelf by the making of a Rate for h
money. For which, ſee Rogues an
Poor. 14 *Car.* 2.

Rogues.

That theſe Officers are to be ver
careful in the apprehending & puniſh
ment of vagrants and Rogues, or to b
puniſhed for their neglect by the Juſti
ces, 14 *Car.* 2.

Cuſtomes.

That theſe Officers are to aſſiſt
the

the Commissioners and Officers for the gathering in of Customes, Subsidies, &c. 14 Car. 2.

And by the former Lawes.

1. THat by warrant of a Justice of Peace that committed an offender to Goale, the Constable of the hundred, or of the place where the offender doth dwell, from whence he was committed, or where he hath any goods, may sell such goods of the offenders, as by the discretion of the Justice will beare the charge of his Convoy to Goale, the Apprisement to be by four of the Inhabitants of the place where the goods be, and the overplus to be delivered to him. And if he have no goods, the Constables and Churchwardens and two or three of the place where he is taken, or in their default, four of the Inhabitants may make a Rate for it. And this (being allowed by a Justice hand by warrant of that Justice) may be levied by distress and sale of goods. 3 *Jac.* 10. So after two Justices have rated a hundred for money to be paid upon a Robbery, these Officers in every parish must divide it and set it upon the Inhabitants, and then without warrant levie it

About Rates.

Prisoner to Goale.

Robbery.

it by diſtreſs and ſale of goods, and pay the money within 10 daies to one of the Juſtices that made the Rate.

Miniſter diſturbed.

Carriers.

Saldiers.

Rates.

Fiſh.

Alehouſes, Drunkenneſs.

Theſe Officers have a paper in many caſes to act by their own power and office as to apprehend and carry to a Juſtice, one that diſturbs a Miniſter, by 1 *Mar.* 3. And (as it is conceived) to diſtrane the plow beaſts in ſuch Plowes, and Carts that paſs in the highwayes, being above the weight appointed till the 40*s.* be paid by 14 *Car.* And to arreſt ſoldiers arrived here, that being in the Kings ſervice are ſuſpect to be run away, by 18 *Eliz.* 19. And ſee in many other caſes.

And in many other caſes by warrant and order from the Juſtices of Peace. So as to help make a Rate for the Bridewell, by 39 *Eliz.* 4. and other Rates by other Statutes. Soe to levie the penalties for taking Fiſh by unlawful Nets, by 3 *Jac.* 12. So to levie and inflict the penalties for drunkenneſs, tipling, or ſelling without licence, or under meaſure, by 3 *Car.* 3. To puniſh hedgbreakers and in many other caſes.

SEE the Constables duties in choosing Surveyors of the Highwaies, Highwaies 1. Highwaies.

If the High Constable or other head Officer shall not pay the mony by him received for the relief of prisoners in the Gaole at the next quarter Sessions to the persons appointed by the Justices to receive the same, he shall forfeit five pound, half to the King, the other to the Prisoners. *El.* 5. 1 *Inc.* 25. & *Poult.* Prisoners. 4. Prisoners.

If the High Constable shall not pay at every quarter Sessions to one of the Treasurers of the shire such money as the Churchwardens shall pay to him for the prisoners in the *Marshalsey*, and Kingsbench, he shall forfeit for every default 20 *s.* 43 *Eliz.* 3. & *P.* poor people 14.

If the High Constables shall not pay in like manner that money which the petty Constable or Churchwardens bring to him for disabled Souldiers, he shall forfeit 40 *s.* 30 *El.* 3. & *P.* Captains 18. See Churchwardens 3. for the Constables neglect herein. Maimed Souldiers.

Correction houses.

1. EVery Justice of peace in the county where there is not a convenient house Houses of correction.

houſe of correction, with convenient backſides, and neceſſary implements, ſhall forfeit 5 *l.* 7 *Iac.* 4.

2. The more part of the Iuſtices may at any time of quarter Seſſions give order for the erecting of houſes of Correction, and for ſtocks of money, and all other things neceſſary for the ſame, or for the Government thereof, 39 *El.* 7.

3. Houſes of Correction are to be purchaſed, conveyed, or aſſured upon truſt to ſuch perſons as by the more part of the Iuſtices of the peace in their quarter Seſſions of the peace ſhall be thought fit. And ſuch Iuſtices may at their ſaid quarter Seſſions, next after ſuch houſes built, and ſo from time to time appoint Governours or Maſters thereof, and may make them ſuch allowance and mantainance as they ſhall think meet.

And if the Maſters of the houſes of Correction ſhall not every Seſſions yeeld a true and lawful account unto the Juſtice of the peace of all ſuch perſons, as they have committed to their cuſtody, or if the ſaid perſons ſhall trouble the countrey by going abroad, or eſcape from ſuch houſes of correction, the moſt part of the ſaid Juſtices in their quarter Seſſions may fine the ſaid Maſters and Governours as they ſhall think fit. 7 *Jac.*

Coopers.

1. THe prices of all Barrels, Kilderkins, Firkins, and other veſſel to be ſold for Ale, Beer, or Sope to be uttered therein, made or ſold out of any City, Borough, or Town corporate, ſhall be taxed by the Juſtices of Peace, or the more part of them being preſent in the quarter Seſſions yearely after *Eaſter*, at ſuch prices as they ſhall think fit and reaſonable; and if any Cooper ſhall ſell any of the ſame above ſuch prizes aſſeſſed, and proclamation thereof made, he ſhall forfeit for every veſſell ſold at a greater price, three ſhillings four pence to the King, and Informer. 8 *Eliz.* 9. & P. 1. & Juſt. 79. The prices of veſſels.

2. If any Cooper ſhall make his veſſels for Beer and Ale of unſeaſonable Wood, or ſhall not make a Beer Barrell to contain 36 Gallons; a Kilderkin for Beer 18. Gallons; a Firkin for Beer 9 Gallons; and a Barrel for Ale 32 Gallons; a Kilderkin for Ale 16; and a Firkin 8 Gallons of the Kings Standard. And if any Cooper ſhall make any Veſſel for Beer or Ale to be ſold of any greater or leſſer number of Gallons then is aforeſaid, unleſs he cauſe it to be marked upon every ſuch Veſſel the certain number of Gallons it containeth, and that with his own mark, he ſhall forfeit 3 *s.* 4 *d.* 23 *H.* 8. 4 & P. 2. The contents of Ale and Beer Veſſels. Marking of Veſſels.

33. Who

Sope Veſſels.

33. Whoſoever ſhall make any Veſſel that being empty containeth 32 Gallons for the Barrel, 16 for the halfe Barrel, and 8 for the Ferkin or weighed above 26 pounds the Barrell, the half Barrell, 13, and 6 and halfe the Firkin, ſhall loſe 3 s. 4 d. each one. 23 H. 8. 4.

Diminiſhing of Veſſels.

4. Whoſoever ſhall diminiſh a Veſſel to deceive another, ſhall forfeit 3 s. 4 d. and be further puniſhed at the diſcretion of the Officer, 23 H. 8. 4. & P. 3.

Corn.

Seed corn.

IF any perſon ſhall buy Corn in a Fair or Market for change of his Seed, having then ſufficient for his houſe, and for ſowing of his Ground for a year, and ſhall not bring thither (if he might) ſo much as he did ſo buy and the ſame day ſell it after the price then going, he ſhall loſe double the value of the Corn ſo bought, 5 Ed. 6. 14. 13 Eliz. 25. & P. 20.

Tranſporting of Corn, ſee Poult. &c.

Coroners.

WHo shall be Coroners, and of whom, and where they shall be chosen, and of what thing they shall enquire, see 3 *Ed.* 1. 10. 14 *Ed.* 5. 8. 12.

2. If a Coroner be remiss in viewing a dead body murdered, or slain, and shall not enquire of them that did the murder or death, of their abettors, or consenters, who were present thereat, and their names, or so found, shall not enrole, certifie, aud deliver his Inquisition according to the Law, he shall forfeit unto the King five *l.* for every offence, 3 *Hen.* 7.1. & *Poulton*, 12, 14.

3. If a Coroner shall refuse to do his Office upon the view of a dead body, by misadventure, without any fee therefore, he shall forfeit 40 *s.* 1 *H.* 8.7. Refusing to doe his office.

But upon any Inquisition taken upon the view of the body slain, he may take 3 *s.* 4 *d.* 3 *H.* 7. 1. & P. 15. But if he take more, it is extortion. His fee.

4. Every Coroner which shall be absent from the assessing of Wages for the Knights of the shire, shall forfeit to the King 40 *s.* 23 *H.* 6. 11 & P.Parl. 12.

5. If a Coroner shall conceale, or not arrest Felons when he may, he shall be one year imprisoned, and make a grievous fine, or not being able, shall be imprisoned 3 years *Westm.* 1. 3. *Ed.* 1. 9. & P. Felony 1.

6. If default befound in a Coroner for

for impanelling a Jury, or return Iſſues upon a commiſſion to enquire a Ryot, *&c.* he ſhall pay to the Kin uſe 40.l. 2. H. 5.8. & P. Royots, 7.

Cottages and Inmates.

1. NO perſon ſhall make, build, rect, or cauſe to be builded or rected any manner of Cottage for dw ling, or convert or ordain any buildi or houſing to be uſed as a Cottage dwelling, unleſſe he do lay thereunto acres of ground at the leaſt, being his their own Freehold and Inheritance, l ing neare ro the ſaid Cottage, to be co tinually manured therewith ſo long the ſaid Cottage ſhall be inhabited, u on pain to forfeit to the King for eve ſuch offence 10l. 31 *El* 7. & P. 1.

2. Whoſoever ſhall willingly mai tain or uphold ſuch Cottage, not h ving ſo many acres ſo lying and man red, ſhall forfeit to the King for eve moneth forty ſhillings. 31 *Eliz.* 7. & *P.* 2.

Inmates. 3. Whoſoever ſhall place, or willingly ſuffer any Inmates, or more than on dwelling in one Cottage, ſhall forfeit t the Lord of the Leet for every moneth 10ſ. 31 *El.* 7. *P.* 3. Juſt. 101.

Coun-

Counterfeiting of Letters, or Tokens.

WHoſoever ſhall falſly and deceitfully get into his hands, or poſſeſſion, any money, goods, chattels, jewels, or other things of any other perſon, by colour or means of a privy Token, or counterfeit Letter made in another mans name, the ſame being proved by confeſſion, or examination of witneſſes, ſhall ſuffer any corporall pain (except Death) as ſhall be adjudged, & beſides the party grieved ſhall have his remedy by Action or otherwiſe for the ſame money or goods. 3 H. 1. & P. & Juſt. 54.

Cut-purſe.

A Cut-purſe, nor he which ſhall felonioufly take any Money, Goods, or chattels from the perſon of another privily without his knowledge in any place whatſoever, ſhall not have the privileg of his Clergy, but ſuffer death as a Felon. 8. El. 4 & P. Clergy 1.

Egyptians.

SEE for them, 22 *H.* 8. 10. 1, & *Ph.* & *M.* 4. 5 *Eliz.* 20.

Escape.

1. JUstices of Peace in their Sessi may enquire of all manner of E scapes for Felony, 1 *R.* 3, 3. and also Murder, and certifie thereof the K in his Bench. 3 *H.* 7. 1. & P. Iust.

Escape of a Murtherer.

2. If any person be murdered or s in the day, and the Murtherer esc untaken, the Township where the deed is done, shall be amerced for t said escape. 3 *H.* 7. 1. & *Poult.* 2.

3. Escape is of two sorts *viz.*

1. Voluntary.

2. Negligent.

And for a voluntary Escape, if Arrest or Imprisonment were for Fe ny, it shall be adjudged Felony in hi which did suffer the prisoner to esca &c.

Nota. And note, that a voluntary Escape not Felony, if the Act done were Felony at the time of the Escape mad but it is fineable, and so is a negligen Escape. *Vide* Dalt. *f.* 140.

Eseheators.

1. NO Escheator shall sell or let to farme his Office, nor make any Deputy, but such as he will answer for at his peril, and shall certifie his name under his Letters Patents to the Treasurer and Barons of the Exchequer, within twenty dayes after, upon pain to forfeit for every offence fourty pounds. 12 *Ed.* 9. & P. Iust. 19. Escheators fee.

2. If an Escheator shall take for the execution of any *Diem clausit extremum*, or other writ in any country above 40*s.* or 40 *s.* where the Lands are not holden *in capite*, he shall forfeit fourty pounds to the King and Informer. 33 *H.* 6. 17. & F. 9. And for taking above 5 *s.* for the finding the office of Lands not exceeding 5 *l. per annum*, shall forfeit for every offence 5 *l.* to the King and Informer. 33 *H.* 8. 22. & P. 3.

3. Whosoever shall take upon him to execute the office of Escheator not having Freehold of the yearly value of fourty Marks above all charges, he shall forfeit twenty pounds. 1 *H.* 8. 8. 3 *H.* 6. 2. & P. 5.

Extortion.

1. IN Sheriffes and their Ministers, see *P.* Sheriffes, 6, 7, 8, 9.

2. In Coroners, see *P.* Coroners, 15.

3. In

3. In Muſter Maſters, ſee P. Ca
tains 14.

4. In Eſcheators. ſee P. Eſcheator
3. & 2.

5. In Ordinaries, ſee P. Ordin
ries, 2.

6. In the Clerks of the Market, ſe
P. 1.

7. In a Parſon, Vicar, or Curat
5 El. & P. Fiſh-daies, 3 & 5 El.
Labourers 7.

8. In a ſpiritual perſon for a Mortu
ry. 2 H. 8. 6. & P. Mortuar. 7.

9. In the Clerk of the peace, for In
rolment in the County, ſee Inrolmen
P. 2. & 27 H. 8. 16.

And for Regiſtring the Licenſe a
Recogniſance of a Badger, &c. ſe
El. 12. 13 El. 25 & P. Badgers 3.

Faire and Market.

A place appointed for a horſe Fair.

1. IF the Owner, Officer, or Ruler
any Fair or Market ſhall not yea
ly appoint one cerrain open place the
for the ſale of horſes, &c. and one ſu
ficient perſon to take Tole, and kee
the ſaid place from tenn of the clock
the forenoon untill ſun ſet, he ſha
forfeit for every default 40 s. to th
King and Infor. 2 & 3 P. & M. 7. & P.

2. When, where, and for whom To

horſes ſhall be taken, *ibidem*, & *ault.* 5.

3. The ſale of any ſtoln horſe in a air or Market ſhall not take away the wners property, except the horſe bee enly ridden, led, walked, driven, or ot ſtanding by the ſpace of an houre, tween the hours of 10. in the morning d ſunſet, in the open place of the ir, and lawfully toled, 2 & 3 P. & 7. & P. 5.

And yet nevertheleſs the owner may Nota, eem the ſtoln horſe within ſix neths paying thr price, 31 El. 12. & 8.

No perſon ſhall ſell or put away a- horſe in any Faire or Market, un- the Tole-taker, Book-keeper, Bay- , or chief Officer thereof, will take eſt knowledge thereof, and enter ſellers name, &c. into a book kept horſes ſold, or unleſs the ſeller doe g to ſuch Tolekeeper, or other Offi- one credible perſon teſtifying that noweth the ſeller, and there enter The Seller ſuch a book, as well the ſumme as muſt be name, ſirname, myſtery, and place, known. ch teſtifier, together with the price n for ſuch horſe, and none ſhall ſtifie, unleſs he do truly know the ; and no Tole-taker, &c. ſhall e entry of any ſuch ſale, unleſs he the ſeller or teſtifier of ſuch horſe, giving unto the buyer requiring

and paying two pence for the ſame true and perfect note in writing u his hand of all the contents of ſame, upon pain that every perſon ſending in the premiſes ſhall forfeit every default 5l. and the ſale to be v 31 El. 12. & P. 7.

5. If any perſon ſhall keep Fai Market in the Church-yard, he ſha puniſhed at the diſcretion of the J ces, 13 Ed. 6, 1. & P. 10.

Felony.

TO Levie a Fine, ſuffer a Reco acknowledge a Statute, Bail Judgment in anothers name, not to it, is Felony. 21 Jac. 26.

Pheaſants, Patridges, &

Taking pheaſants & Patridges with ſnares.

1 WHoſoever ſhall take, or ca be taken any Pheaſants or tridges, by Net, or Snares, or Engines, upon the Freehold of a ther, without his ſpecial licenſe, forfeit to the owner of the ground the Informer, ten pound, 31 H. 7 1. & Juſt. 38.

Taking them in the night.

2. Whoſoever ſhall take, kill, o

...y any Pheasants or Partridges with ... net, or other devices whatsoever in ... night time (except unwillingly by ...belling or trammelling), who also ...ll then and there presently let them ...e again) shall forfeit for every Phea... 20 s. and for every Partridge 10 s. ...be payed within ten dayes after con...tion, or in default thereof to be im...soned for a moneth without baile, ...over and besides such forfeiture or ...risonment, to be bound with sureties ...two years not to offend so againe, ...El. 10 & P. 2. & 5. & Just. 28. ... who shall have forfeitures. *Ibid.*

Destroy in certain games and their egs.

... Whosoever shall shoot at, kill, or ...roy with any Gunne or Bow, any ...sant, Partridge, House-Dove, or ...eon, Herne, Mallard, Duck, Teale, ...geon, Goose, Heath-cock, More...e, or any such foule, or any Hare; ...all take, kill, or destroy any Phea..., Partridge, house-Dove, or Pigeon, ...setting Dogs, and nets, or other ...ines, or shall take the eggs of any ...sant, Partridge, or Swans, or wil...y destroy the same in the nests, or ...trace or course any Hare in the ... or take any Hare with hare pipes, ... or any such instruments or en..., the same being confessed, or pro... by two sufficient witnesses upon ... before two or more Justices, shall

Tracing Hares.

be by them impriſoned for 3 mon
without bayle, or forthwith pay to
uſe of the Poore there, 20 s. for e
Foule, or Hare, and for every egg
Pheaſant, Partridge, or Swan, ſo t
or deſtroyed, or after one moneth
his impriſonment become bound
two ſufficient ſureties in 20 l. a p
not to offend ſo again, 1 *Iac.* 27
Poult 6.

Taking Pheaſants or Patridges with ſetting dogs.

4. Whoſoever ſhall take, kill, or
ſtroy any Pheaſant, or Partridge
ſetting-dogge, net, or any other en
the ſame being confeſſed or prove
any ſufficient witneſs upon oath b
any two of the Juſtices of the P
ſhall be by them committed for
moneths without bayle, unleſs he ſ
with pay to the uſe of the poore
20 s. for every Pheaſant or Partri
be bound in 20 l. not to offend ſo a
7 *Iac.* 21 §.

Note who may take Phe ſants & Partridges, when and where.

5. By the Stat. 7 *Iac.* 11. He
hath inheritance of 40 l. *per ann.* f
hold of 80 l. *per annum*, or is
in goods 200 l. and their menial
vants thereto authoriſed, may
Pheaſants and Patridges in the da
openly upon their own and M
free Warren, Mannor, and Free
between *Michaelmas* and *Chriſt*
Iac. 11.

Selling of Pheaſant, Partridge, Deer, or Hare.

6. Whoſoever ſhall ſell, or b
ſell againe any Pheaſant, Partri

Hare or Deere not brought up in the houſe, or brought from beyond the Seas, ſhall forfeit for every Pheaſant 40 s. for Partridge 10 s. and for every Hare 10 s. and for every Deere 40 s. the one moyety thereof to the Informer, the other to the poor. 1 *Iac.* 17. & P. 8.

Hawking at Pheaſant or Partridge.

See Hawkes, 1. & 7. *Iac.* 11.

See Hunters, 6, & 7. & *Poult.* 6.

Keeping Grey-hounds, ſetting dogs, & nets.

Fiſh and Fiſh dayes.

1. WHoſoever ſhall take any Salmons between the Feaſt of the Nativity of the bleſſed Virgin *May* and Saint *Martin*, in any Rivers or Waters, or ſhall take young Salmons at any Mill poole, or any other place, between the midſt of *Aprill* and *Midſummer*, or at any time caſt into any waters any nets by which the fry of any Fiſh may be taken or deſtroyed, ſhall for the firſt offence have his net burned; for the ſecond be imprioned three moneths, and for the third a whole year. 13 *Ed.* 1. 46. 13 *R.* 1. 19. & P. 1. & Juſt. 41.

Taking of Salmons.

2. Whoſoever ſhall with any Net, or other means whatſoever, take and kill any young brood, ſpawn, or fry of any fiſh in any floodgate, pipe, or taile of any

Taking of ſpawn.

mill, weare, stream, or river, salt or fr
water, or shall take there any Salm
or Trouts out of Season, that is, be
keepers or shedders, or shall take or k
any Pickerell under 10 inches, or Tr
under 8 inches, or Salmon under 16 i
Salmons & trouts out of season. ches, or Barbel under 12 inches fish
length, or shall fish in any of the fa
places with any net, but such wher
every mesh shall be two inches & a h
broad: shall forfeit for every offen
20s. the Fish and nets (Angling and t
taking of Smelts, Gudgeons, Eeles, &
in places onely where they have been
sually taken excepted) 1 El. 27. & P.
& Just. 40.

This Statute doth not extend to
River where the King hath any year
rent or profit. *Ibidem.* & P. 5.

Destroying of any pools or fishings. 3. Whosoever shall unlawfully bre
cut down, or destroy the head or dam
any pond, more, stew, or severall
wherein fishes are put by the ow
thereof, or shall wrongfully fish in
of the same, to the intent to take a
the same against the owners will, s
pay to the party grieved treble damag
suffer three monethes imprisonment,
then to be bound to the good behavi
with sureties for seven yeares, and
party grieved may take his further
medy for his loss and damages, and
release the suretiship of good a beari
at any time within the 7 years, 1 El.
& P. 7. & Just. 34.

For Fishing and Fishers: See more *Westm.* 2. 47. 31 *Ed.* 3. Stat. 2. 35 *Ed.* 3. 13 *R.* 2. 2. 19. 17 *R.* 2. 9. 22 *Ed.* 4. 2. 11 *H.* 7. 13. 5 *Eliz.* 21. 1 *Jac.* 23. 3 *Jac.* 12.

For Pilchard Fishing in *Cornwall* and *Devon.* See 14 *Car.* 2.

Fish, and the eating of Flesh.

WHosoever shall by writing or open speech notifie, that the eating of Fish, or forbearing of Flesh upon any dayes now usually observed as Fish-dayes, is of necessity for salvation of Soules, &c. shall be imprisoned and punished as spreaders of false Newes. 5 *Eliz.* 5. & 1 *Jacob.* 25. & *Poulton* Newes. 1 & 2.

See 5 *Eliz.* 5. 35 *Eliz.* 7. & 1 *Jacob.* 25. & *Poulton* 1. &c.

Concerning fish dayes, and the eating of flesh in Lent.

Force, and forcible Entries.

1. THere are three degrees of Force, *viz.*

Degrees of Force.

1. Such as enter peaceably, and then hold forcibly.

2. Such as enter with force, and then how peaceably.

3. Such as both enter forcibly, and hold forcibly.

Forcible Entries.

2. Whosoever maketh entry into Lands and Tenements forcibly, as with strong hand, and multitudes of people, and hereof shall be lawfully convicted, shall be imprisoned and fined at the Kings pleasure. 5 *Ric.* 2. & P. 1.

Forcible entry, or forcible detaining of Lands.

3. Whosoever shall enter into Lands or possessions with force, or detaining peaceably shal hold the same with force, shall be committed to the Gaole, there to remain until they have payed a fine to the King. And whether the parties which made such Entries be present or gone at the comming of the Justice, he shall in some good town, or convenient place near where such force was made, enquire by a sufficient Jury of the same County, City, &c. of them which made such forcible Entries and if it be found that entry was made contrary to the Statute, he shall cause seize the said Lands or Tenements, and entred upon and thereof put the party in possession which was in such sort put out. 15 *Ric.* 2. 2. 9. 8 *Hen.* 6. 9. & P. & Just. 8, 9.

Three years possession.

None shall be endamaged here which have continued three yeares possession. 8 *H.* 6. 9. Nor any restitution upon any Indictment. 31 *El.* 11, P. 4.

4.

4. If the Sheriff or any other of the County, ſhall not attend to aſſiſt the Juſtice, and to arreſt ſuch offenders, he or they ſo offending ſhall be impriſoned and pay a fine to the *King*. 15 *R.* 2. 2. P. 5. Each man ſhall help to remove force.

The Juſtices charges in the execution of theſe Statutes are to be born by the party grieved, *Ibid*, & P. 2.

5. Reſtitution of poſſeſſion is given in ſome caſes not formerly provided for 21 *Iac.* 15.

Foreſtallers, Regrators, and Ingroſſers.

A Foreſtaller is he that buyeth, or cauſeth to be bought, or maketh contract or promiſe for the having or buying any victuals or wares coming by land or water towards a Faire or Market to be ſold, before the ſame ſhall be in the Faire or Market, &c. Or that by any meanes maketh motion to any perſon for inhaunſing the price of the ſame, or that doth perſwade, move, or ſtir any perſon coming to the Market or Faire to forbear to bring any of the ſame to any Faire or Market to be ſold. 5 *Ed.* 6. 14. & 1. Who is a Foreſtaller.

1. A Regrator is he that regrateth Who is a Regrator:

or

or getteth into his poſſeſſion in any
or Market any Corn, Wine, Fiſh,
ter, Cheeſe, Candles, Tallow, S
Lambes, Calves, Swine, Piggs, G
Capons, Hennes, Chickens, Pigeons,
pies, or other dead victuall whatſoe
brought to any Fair or Market to
ſold, and ſelleth the ſame again in
Fair or Market there, or within
miles thereof, 5 *Ed.* 6. 14. & P.

Who is an Ingroſſer.

3. An Ingroſſer is he that ingro
or getteth into his hands by bu
contract, promiſe, taking other the
demiſe, leaſe, or grant of land or
any Corn growing in the field, or
Corn or Grain, Butter, Cheeſe, F
or other dead victuall within *Eng*
to the intent to ſell the ſame a

Who may Regrate & Ingroſſe.

(But ſuch as doe buy Barley or
without Foreſtalling, and turn th
into Malt or Oatmeale, and ſell
gain, and ſuch Victuallers of all
as buy Victuall without Foreſtall
and ſell it by retaile againe,
Badgers and Drovers being la
licenſed, and not abuſing their li
ſes, are excepted.) So be all buy
Wines, Oyles, Spices, and other
reign victual brought from beyond
Sea, hither, except Fiſh and Sal
ly. 5 *Edw.* 6. 14. 5 *Eliz.* 12. 13 *El*
& *P.* 5, & 6.

The puniſhment of the offendor.

4. Whoſoever ſhall be duly convi
of Foreſtalling, Regrating, or Ing

sing unlawfully within two years after the offences, shall for the first offence lose the goods or the value of them and be two moneths imprisoned without bayle; and for the second offence lose double the value of the goods, and be imprisoned six moneths without bayle; and for the third offence lose and forfeit all his goods and cattles, stand on the Pillory, and be imprisoned at the Kings pleasure 5 *Ed.* 6. 14. & P. 4. & Just. 31.

5. Whosoever shall buy any Oxen, Live cattle.
Kants, Steers, Kine, Calves, Sheeps, Lambs, Goates, or Kids living, and sell them again alive, except he keep and feed them five weeks, shall forfeit the double value of them. 5 *Ed.* 6. 14. & P. Cattles.

6. Whosoever shall forestall any Forestalling of hides.
hide or buy any out of open Market or Faire, unless of such as killed beasts for their own provision, shall lose for every hide 6 *s.* 8 *d.* 1 *Jac.* 22. & P. Leather 7.

7. Regrating of Barke. See Barke. Barke.

8. Regrating of Wool. See P. Just. Wooll.
& Wooll.

9 Ingrossing of tanned Leather: See Leather.
5 *Edw.* 6. & 15. & *Poulton* Leather.

Forging

Forging of Deeds.

WHoſoever being once convict or condemned of any of the offences prohibited by the Stat. of 5 E. against the forging of Evidences and Writings, and ſhall afterwards commit the like again, ſhall be adjudged a Felon, and not have his Clergy. 5 El. & *Poulton* 3.

A Servant taken with a forged Teſtimonial ſhall be whipped as a Vagabond. See Labourers.

Forging Tokens or Letters, See Counterfeiters.

Gawging of Veſſels.

FOr this See 27 *Ed.* 3. 8. 4 *R.* 2. 14 *R.* 2. 8. 18 *H.* 6. 17. 23 *H.* 6. 16. 31 *Eliz.* 8.

Goldſmith and Gilding.

1. IF any Goldſmith, or worker of Silver ſhall work any Silver that is not fine in allay as the Sterling, or ſhall not ſet his mark upon his work before he ſet it to ſale, he ſhall forfeit double the value, 2 *H.* 6. 14. & P. 6.

2. If any Gilder ſhall offend againſt the Stat. 8 *H.* 5. concerning the gilding

of mettall and other things, he ſhall forfeit ten times the value of the thing gilt, and be impriſoned a year. 8 *H.* 5. 3 & *P.* 7. & Juſt. 48.

See more of this *Articuli ſuper Chartas.* 20. 28 *Ed.* 1. 27 *Ed.* 3. 2 *H.* 6. 14. 14. 37 *Ed.* 3. 7. 5 *H.* 4. 13 2 *H.* 5. Stat. 2 *c.* 4. 8 *H.* 5. 3. 4 *H.* 7. 2. 18 *Eliz.* 15.

Good-Behaviour.

Againſt whom ſureties of the good behaviour may be granted.

Sureties of the Good-behaviour is chiefly granted againſt common Barators, common Quarrellers, and common breakers and perturbers of the peace, and alſo againſt Ryoters, againſt ſuch as lie in waite to Robbe, Maim, or Kill, or ſhall Aſſault any, againſt ſuch as are ſuſpected to be Robbers upon the highwaies, againſt ſuch as are like to commit Murther, or other grievances to the Kings people; and alſo againſt ſuch as be of an evil name and fame generally, or in the place where they remain. 2 *Ed.* 3, 6. 34 *Ed.* 3, 1 & *P.* Juſt. 18, & *Dalt. f.* 16.

Alſo againſt him that is ſuſpected to have gotten a Baſtard, *Lamb.* 122. Alſo againſt Eveſdroppers; alſo againſt night-walkers, and ſuch as ſhall ſleep in the day

day, and go abroad in the night, or [illegible] suspitious persons company, or shall commit outrages, &c.

Guns and Crosbowes.

Keeping & shooting in Guns, &c.

1. WHosoever shall shoot in, or keep any Gun, Dag, Pistol, Crosbow, or Stonebow, or shall carry in his journey any Gunne, Dag, or Pistol charged, or Bow bent, but at time of War, or to or from Musters, except he have in his own or wives right 100 *l. per annum* in Lands, Tenements, Fees, Annuities, or Offices, shall forfeit for every offence ten pound to the King and Informer. 33 *H.* 8. 6. & *Poulton* 1. & 3.

The length of a hand-gun, hag, demi-hake.

2. Whosoever shall shoot in, carry, keep, use, or hand any Gun but such as in stock and gunne shall be a yard long; or in any Hagge, Demi-hake, Dag, or Pistoll, not being three quarters of a yard long, shall forfeit for every offence 10 *l.* 33 *H.* 8. 6. & *Poul.* 2.

VVho may take away the Gun or Crosbow from the offendor.

And every person having a 100 *l. per annum*, may seize and take away any that is shorter, but must break it within twenty daies after, under penalty of 40 *s.* He may also take away every Crosbow from any not having Lands, &c. as aforesaid, and keep it to his own use, *Ibid.*

3. Who-

3. Whosoever shall shoot in any Gun, &c. neer to a Market-town, except for defence of his person or house, or at a Butt or Bank of earth in a place convenient, shall forfeit for every shoot ten pound to the King and Informer. 33 H. 8. 6.

Shooting in a City or Market.

And if any person under the degree of a Lord of the Parliament, shall shoot in a Hand-gunne in a City or Town or any mark upon a Church, House, or Dove-Coat, shall forfeit ten pound, and be imprisoned for three moneths. 2 Ed. 6. 14. & Poulton 2.

4. If a Master command his servant to shoot otherwise then is aforesaid, he shall forfeit 10 l.

The Master commanding the Servant to shoot.

The King must commence his suite within one year, and every other person within 2 yeare after the offence was committed, for any penalty or forfeiture given them by this Stat. 33 H. 8. 6. & P. 5.

Nota.

5. Every man may arrest an offender against this Statute, and carry him before the next Justice, and such bringer shall have half the forfeiture. 33. H. 8. 6. & Poulton 6. & Just. 45.

Every man may arrest an offender.

6. Whosoever shall shoot haile shot, of more pellets then one at one time, unless he be thereto licensed, shall forfeit ten pound, and be three moneths imprisoned. 2 Ed. 6. 14. & P. 10.

Haile shot.

Who may keep, or shoot in guns.

See 33 H. 8. 6. & P. 7.

See

Shooting at Fowles, or Hares.

See Pheasants.

Licence to shoot at hawks meat

Such as are licensed to shoot at hawk meat, may not shoot at other Fowle then are mentioned in their Licenses, nor otherwise, nor elsewhere then is allowed by the Stat. 1 *Iac.* 27. And if it be not contained in their said Licenses at what Fowles they shall shoot, or if any of them so licensed, shall not be bound in twenty pound not to shoot at any other Fowle, then the said License or Placard to be void. 1 *Iac.* 27. 33 *H.* 8. 6. & *P.* 9. & Pheasants 10. *Iust.* 31.

Hats and Caps.

For the ordering of the trade of buying and selling of Hats and Caps, See 8. *Eliz.* 7. 1 *Iac.* 17.

Hawks and Hawking.

Hawking at unseasonable times.

1. WHosoever shall hawk at, destroy or kill any Pheasant or Partridge with Hawk or Dog by ertour of Hawking, between the first of

of *July*, and the laſt of *Auguſt*, and the ſame be proved by the parties confeſſion, or by two ſufficient witneſſes upon each before two or more Juſtices of the peace within ſix moneths after the offence committed, ſhall be impriſoned for a moneth without bayle, unleſs he forthwith pay to the uſe of the poore there 40 *s.* for every ſuch hawking at Pheaſant or Partridge, and 20 *s.* for every Pheaſant or Partridge, 7 *Jac.* 11.

2. Whoſoever ſhall hawk or with Spannels, hunt where any eared or codded Corn ſhall be ſtanding, and not ſhocked or copped, ſhall forfeit to the owner of the ſame corn. 40 *s.* 33 *El.* 10. & P. Pheaſants 4. Hawking in Corn.

3. Whoſoever ſhall unlawfully take away any *Hawke*, or the egges of any Hawke out of the woods or grounds of any other perſon, ſhall pay to the party grieved treble damages, ſuffer three moneths impriſonment, and be bound with ſufficient ſureties to the good behaviour for ſeven years after, or elſe to remain ſtill in priſon, and the party grieved may take his further remedy for his loſs and damages, and may releaſe the good behaviour before the ſeven years be expired. 5 *Eliz.* 21. & P. 1. & 3. Juſt. 24 & 11 *H.* 7. 17. Taking Hawks or their egges out of anothers ground.

4. Whoſoever ſhall take any Eirer, Falkon, Goſhawk, Laner, or Lanaret, or purpoſly drive them out of their coverts Take or fear hawks.

or

or kill them, shall forfeit ten pound[s] King and Informer.

Bearing of Englisha hawks.

And whosoever shall bear any Ha[wk] of the breed of *England*, called a Nea[st] Goshawk, Tassel-Lanner, or Lanne[r] shall forfeit the same to the King. 13 R[.] 7. 17. & P. 4, 5. & Just. 39.

Concealing of hawks lost.

5. Whosoever shall finde a Hawk that was lost, and shall not forthwith bring her to the Sheriff of the County to be proclaimed, but doth steale it, or carry it away, or conceale it, he shall be used as a Felon for stealing a horse. 34 Ed. 3. 22. 37 Ed. 3. 19. & P. 1.

Herons.

Taking Herons.

WHosoever shall take any Heron (out of his own ground) by craft or engine, except it be by Hawking or long Bow, shall forfeit for every Heron six shillings and eight pence: And whosoever shall take young Herons out of the nest with out licence of the owner of the ground, shall forfeite for every Heron 10 *s.* to the King and Informer. 19 H. 7. 11. & P. 1. & Just. 35.

Shooting at Herons with gun. or bow.

See Pheasants.

1. IF the Constables and Churchwardens of any Parish shall not yearly in Easter week chuse Surveyors for mending the Highwayes, and appoint six daies for that purpose, according to the Statute, they shall be fined. 2, & 3. P. & M. 8. 29 Eliz. 5. & P. 1, 2.

By whom, and when Surveyors, shall be chosen, six dayes.

This choise by the new Statute of 14 car. 2. is to be on the Monday or Tewsday in the Easter week, after notice hath been publickly given in the parish Church the Sabboth day before, after morning prayer ended. And it is to be with the consent of the Major part of the parish then present, and they are to choose two or more, and they must give notice in writing to the men chosen to the Office in pain of 5 *l.*

2. If any Surveyor refuse to take upon him the Execution of the said Office, he shall forfeit twenty shillings. *Ibid.*

Surveyor refusing his office.

3. If any person having a Plow-land in t llage, or pasture, keeping a draught or plough, and shall not finde one waine or cart furnished to worke eight houres every of the said daies, he shall forfeit for every of the said draughts making default, ten shillings. *Ibid.*

The charge of a Plow-land.

A Plow-land is so much as one can plow in a year. *Dalt. f.* 13. *&c.*

What is a Plow-land.

3. If any of the carriages of the parish shall not be thought needful by the

Two men instead of a carriage.

the Surveyors to be occupied upon [illegible] of the ſaid dayes, then ſuch perſon [illegible] ſhould have ſent carriage ſhall ſend [illegible] every ſuch carriage ſo ſpared two [illegible] men to labour for that day, upon pe[illegible] to forfeit for every man not ſent 12. [illegible] 2 & 3 P. *M.* 8. 5 *Eliz.* 13. 29 *Ed.* [illegible] & *P.* 3.

Cottager. 4. If any Houſholder, Cottager, [illegible] Laborer having no Plough or Draug[illegible] ſhall not by himſelf or ſome other wo[illegible] eight houres of the ſaid ſix daies in t[illegible] highwayes, he ſhall forfeit for every [illegible] fault 12 *d. Ibid. &* P. 4.

5. Surveyors may by their diſcre[illegible] take other mens rubbiſh, ſtones, a[illegible] gravell upon their grounds for amen[illegible] ing the highways, but muſt ſtop the [illegible] again within one month after ſuch d[illegible] ing, upon pain to forfeit to the own[illegible] 5 Marks. 5 *El.* 13. 22 *El.* 5. & *P.* [illegible]

6. Surveyors may alſo turne a wa[illegible] courſe being noyſome to the highwa[illegible] into any mans ground adjoyning. *Ibid.* & *P.* 6.

7. If the hayes, fences, dikes, or hedg[illegible] next adjoyning to any highway, ſha[illegible] not be diked, ſcoured, repaired, and kep[illegible] low, and all trees and buſhes growing [illegible] in the ſame cut down, the owners ſha[illegible] pay for every default 10 *s.* 5 *El.* 13. 1[illegible] *Eliz.* 10 & P. 7.

8. If any Surveyor ſhall not within [illegible] one moneth next after any offence done [illegible] againſt

againſt the meaning of theſe Statutes preſent the ſaid offence to the next Juſtice of peace, he ſhall forfeit for every offence not preſented 40*s*. And the ſame Juſtice not certifying it at the next Seſſions 5 *El*. 13. 29 *El*. 5. & P. 8.

9. If any offender ſhall obſtinately refuſe to pay his forfeitures, &c. within 10 dayes after lawfull demand, he ſhall, forfeit double the ſum he ſhould have payed, *Ibid*. & P. 9.

10. If any perſon being aſſeſſed in Subſidie to 5*l* in goods, or 40*s*. in lands ſhall not finde two able men yearly to labour in the highwayes, he ſhall be fined 18 *El*. 10. & P. 12.

11. Whoſoever ſhall occupy a plowland in tillage or paſture lying in ſeveral pariſhes, ſhall be chargeable to the making of the waies in the pariſh where he dwelleth. 18 *Eliz*. 10. & P. 13.

12. Whoſoever ſhall keep in his hands, ſeveral ploughlands in ſeverall pariſhes, ſhall be charged with the repairing of the highwayes within the ſeveral pariſhes where the ſaid lands lie. 18 *El*. 10. & P. 14.

13. Every perſon that ſhall occupy any lands adjoyning to any highwaies where any ditching or ſcouring ought to be, ſhall ditch & ſcoure in his ground whereby to conveigh the water out of the highway, upon pain to forfeite for every rod not ſo done 12*d*. 18 *Eliz*. 10 & P. 15.

14. Whe-

Casting soyle into the highway.

14. Whosoever shall occupy any land adjoyning to an highway leading to any Market-town, and shall cast or lay the scouring of any ditch into the highway, and shall suffer it to lye there by the space of six moneths to the annoyance of the highway, shall forfeit for every load 12 d. 18 Eliz. 10. & Pasch. 16.

Sluces to convey the water into the ditch.

Where any soyle hath been so cast into the highway, that there is a bank between the said highway and the ditch, the Surveyors and workmen may make Sluces to convey the water into the ditch. *Ibid.*

How, and by whom the sayd penalties shall be levyed and imployed. See 2. & 3. P. & M. 8. 18 El. 10 & P. 19, 21. & 27.

The wayes shall be 200 foot broad.

15. If any Lord of the soyle shall not enlarge the highwaies from Market to Market, so that no dike, bush, or tree (except great) be within two hundred foot of each side thereof, for the better preventing of Robberies and Murther, he shall answer for any Felony done therein, and for Murther shall be fined at the Kings pleasure. Stat. *Winchest.* 13 Ed. 1. 5. & P. 18.

Bridges.

16. A remedy where it is not known who ought to make or repaire Bridges. 22 H. 8. 5. & P. 1, 2. & 3, 4. & 5. & Just. 70.

Nota.

If a man of his own accord shall make

make or mend a Bridge, this ſhall not binde him at any other time; yet if he and his anceſtors, or any Corporation have done it time out of mind, although not of right, yet ſuch continuance ſhall bind them and their heirs or ſucceſſors. *ſaid. Dalt, f.* 34.

If a man make a Bridge for eaſement to his Mill and that decayeth, the party, nor any other ſhall be charged to repair this, for it is no common paſſage *Dalt. f.* 34. Nota.

Such as are chargeable to repaire Bridges, may enter upon any other mans land or ſoyle adjoyning, and may lay their ſtone, lime, timber, or other neceſſaries for the repairing thereof, and the owner of the Lands ſhall have no action againſt them therefore, becauſe it is for the common good. *Dalt. f.* 34. Nota.

Surveyors Office.

BY the new Act of 14 *Car.* 2. as to Highwayes there are theſe Additions and alterations.

Highwayes.

1. THat the Surveyors are within 20 daies after notice is given to them View the Decays.

then of their choyse to view all the high-waies, bridges, watercourses, causeys and pavements there in the parish to be repaired, and consider what is to be done, and what money will be needful to doe it more then worke appointed to be done by the Statutes.

Make a Rate.

2. That these Surveyors with 2 or 3 of the most substantial housholders of the place are within 10 daies after the survey of the defaults to set a Rate upon all the Inhabitants of the parish, rateable to the poore, and upon all occupyers of Land, Houses, Tithes, Impropriate, or Appropriate, portion of Tithes, Colemynes, and other Mines saleable, underwoods, stock-gards, or other personall estate (not being housholdstuff) within the parish, 20 *l.* in stock, money, or goods to be rated after the rate 20 *s.* a year in land. And no man to be charged for his land and stock both at once, for the repair of the highwaies. But the Rate in all upon the parish may not exceed 6 *d.* a pound through the yeare. And this rate is to be made on pain of 5 *l.* And the Tenant, and not the Landlord, is, to beare the burden of this Rate; this Rate is within 6 daies of the making to be seen and signed by a Justice. But where the highwayes and Bridges of the place may be sufficiently amended by the ordinary 6 daies work, there the Justices may forbid it. And this

his power to raiſe money by way of
ate is to laſt but for three years.

3. That they are to levie and collect Levy of the
Warrant under the hands and ſeales money.
2 Juſtices of the peace, by diſtreſs
d ſale of goods, not only theſe Rates
the highwaies, but alſo all the Cha-
able gifts given, or to be given to
repaire of the highwaies, (except
ſts made to Colledges, Halls, Free-
hools, or hoſpitals to the uſe of the
ghwaies.) And all the Fines and For-
tures not otherwiſe diſpoſed by 14 Car.
And all Iſſues for not appearance
on any Information or Indictment,
not repairing of the highwaies, and
not removing of Nuſances, and all
es and Amercements impoſed upon
perſon for not repairing of thoſe
ghwaies, all which are by theſe
ficers to be imployed for the repaire
reof.

4. They may for the amendment of Hire labo-
Highwaies at any time between the rers and
t of *May*, and the laſt of *Auguſt* hire Ploughs.
bourers, Carriages, and what is need-
l for the amendments of the High-
ies.

5. They are to ſee that every man Force all to
h his work that he is appointed to doe their
for himſelf or his plough, or that worke.
be puniſhed for it in the Seſſions at
Juſtices diſcretion.

6. That where the highway is not

Enlarge the Highway.

of eight yards breadth, from the bri
of a ditch (where ditches be) or h
where no ditch is, there the Surve
may enlarge them to eight yards
the adjacent grounds, by order fro
Quarter Sessions, and by the all
ance of two or more of the Justice
pointed by Sessions to view it.
after a Writ of *ad quod damnum*
and returned, and after satisfa
given to the owner of the ground,
may not be given to more then 20
purchase.

Order the worke.

7. They are to order and direct
man in his work, for himself and
Plow, for all the six daies; and
may (if they see cause) hire the
men or plowes for longer then six
and give them for their labour
their six daies work, after the R
the Country.

Account.

8. They are within a moneth
end of their year at a publick m
under their hands to the Inhab
of the Parish, to make and give
perfect Account of all their R
and disbursments, and what is in
for Disbursements, Fines, Forfe
Penalties and charitable gifts, and
over the overplus of money (if an
in their hands to the next Surve
upon complaint of refusal be
mitted by two Justices to pris
they doe account.

Bridges.

9.

9. They are to make upon every ridge ſufficient walls, or poſts, and rales of each ſide four foot high at the leaſt, and to keep it ſo.

10. That where any common Nuiſance is in the Highway, or ditch neere or a watercourſe adjoyning to it, not ſecured and dreſſed, theſe Officers are to ſee it reformed in a courſe of law, and pay to themſelves what they lay out therein out of their Common ſtock.

1. Every Inhabitant is to pay his Rate and do his part, and he that ſhall not pay his Rate within 20 daies after demand made by one of the Surveyors, ſhall pay twice as much as the Rate, unleſs he complains of an Over-rate to Juſtice, and he think fit to alter it.

2. Every Inhabitant is to do the work appointed him by the Surveyors for ſix daies, on pain of 10 s. every day he failes with his plow, and 18 d. for every day the labourer himſelf faileth.

3. If any difference ariſe between Surveyors and Workmen about wages, this may be decided by any one Juſtice not living in the ſame parish. How differences are to be decided.

4. If any difference ſhall be between Surveyors and any man about gravelling, or carriage, or for the digging or carriage of any other materials for the Highwaies out of any mans inheritance, it muſt be referred to any two

Juſtices thereabouts, and they may
cide it.

5. If any difference be between
perſons rating, and the perſon r
about the Rate, this may be decided
any one Iuſtice thereabouts.

Gravel, &c 6. The Surveyors of one pariſh
want materials, may by allowanc
two Juſtices digg and take Gr
Chalke, Cinder, Sand, or Ston
the waſts or Commons of the ne
bour pariſhes.

Carts and Carriages. 7. That no Travelling Wain, C
or Carriage wherein any goods
wares are, or that ſhall be carried
drawn for hire (other then the C
and Carriages imployed in and a
Husbandry, manuring of Lands,
rying of Hay, Straw, Corn unthre
Cole, Chalke, Timber for ſhip
materials for building, ſtones o
ſorts, or ſuch Ammunition or Arti
as ſhall be for the Kings ſervice)
travail or goe in any Highway or
with above ſeven horſe beaſts, wh
ſix to draw in paires, and not wi
bove 8 Oxen, or 6 Oxen, and two
ſes. Nor ſhall at any time carry
2000 weight between the firſt
October, and the firſt of *May*, nor
five quarters of Wheat, Meale, M
Rye, Peaſe, Beanes, and Tares.
above eight quarters of Barley,
or Oates, and after that proport

for may any Wain, Waggon, Carts, Carriage for the uſes aforeſaid be ſed, the wheeles whereof are leſs in eadth then four Inches in the Tire, nder pain of forty ſhillings to be loſt the owner of the Wain, Carriage, &c. one third part to the uſe the Surveyors of the Highwaies, the amendment of them, another ird part to the Overſeers of the poore the place, for the poor; and the other rd part to the uſe of the proſecutor, be levied by diſtreſs of all or any of horſe, beaſts, or oxen, and to diſtributed by the Conſtables, verſeers of the Poor, and Surveyors the Highwaies, or one of them. And penalty not paid within three daies r the diſtreſs taken, their the diſtreſs be ſold by him that diſtraines, and to pay himſelf rendring the over-us charges of keeping and ſelling de-ſted. And by a Warrant of two ſtices it ſeemes this is to be done; but ether it may be otherwiſe done, is mewhat queſtionable.

There is a ſpecial proviſion for the ighwayes, about Foot-bridge in *Lay-k* in *Wilts*. And for the Farmer Ironworks in *Surrey*, *Suſſex*, & *Kent*. d for *Stretford* Bridge, in the Coun- of *Middleſex*, by 14 *Car.* 2. which to continue till the firſt Seſſion of e next Parliament. but that branch

Footbridge in *Wilts*.

Surrey, and *Suſſex*.

Stretford Bridge.

for Rates is to continue for three ye

London. And for the ordering of the Hi
wayes, Streets, Pavements, Gut
and Sewers in and about *London*,
things are to be known. Firſt, T
there are to be Commiſſioners appo
ted, who may direct, and order the
ling down, new making, or alterat
or reparation of any thing, for
amendment thereof according to
direction, and with the limitation
the Statute ſet down. And for this
may enlarge or ſtraiten the paſſa
erect or take down any building as
ſee cauſe. 2. For the raiſing of mo
to do this work, it is provided
Hackney Coaches may not be uſed,
by Licenſe of the Commiſſioners
pointed of purpoſe by the King fo
and a yearly paiment for the ſame,
be imployed to this uſe. And that
ſumme of money appointed by the
be payd for it, upon every load of
and Straw, ſold in ſuch and ſuch
ces in *London*. And that ſo much
paid by every houſholder, to carry
the dirt and filth from his doores:
theſe Commiſſiones are to order
direct the Scavengers, and ſuch
officers and others for the carri
away of the dirt and filth of the Stre
and to ſee that every one be made
ſweepe and cleanſe the ſtreet at his
doore twice a week. And that no
th

Hackny Coaches.

throw any ſeacole aſhes, dirt, or other filth in the Street. And that every houſholder next to the Street hang up lights in the winter time: And ſome other Proviſions there are in the Act, and Penalties for every offence.

And every Juſtice within *London* and *Weſtminſter*, within his reſpective limits, may upon his own knowledge or view, or the Oath of one witneſs convict an offendor, for moſt of theſe offences, and cauſe the forfeiture appointed for the ſame to be levied by diſtreſs and ſale of goods, See the Statute at large.

Holidayes and Faſting dayes.

HOw the profanation of the Sabboth-day is to be puniſhed, See 1 *Car.* 1. 3 *Car.* 1.

For other holy daies and fiſh daies, See 2 & 3 *Ed.* 6. 19. 5 *Eliz.* 5 & 6. *Ed.* 6. 3.

Horſes.

THe Iuſtices of peace in their quarter Seſſions may enquire of, heare, and determine all defaults and offences

done contrary to the Statute of 32 H. 13. & 33 H. 8. 5. concerning the keeping and breeding of horſes, ſee P. 3, 5, 6, 7, 8, 9, 10, 11, 22. & Iuſt. 47.

Horſe-ſtealers,

Horſe ſtealers, or their acceſſa before or after, ſhall not have the clergy. 3 *Ed.* 6. 33. 31 *El.* 12. & Clergy. 13.

Concerning ſtealing of Horſes, Fairs, *&c.*

Huy and Cry.

Huy & Cry muſt be made,

1. ALL Huy and Cry ought to be made from Town to Town, and from Countrey to Countrey, and by Horſemen and Footmen, otherwiſe is no lawful purſuit. 27 *El.* 13 & P. 1. 9.

2. Whoſoever ſhall raiſe Huy and Cry without cauſe, or being raiſed upon good cauſe, ſhall refuſe to purſue and arreſt Fellons, or ſuch as have dangerouſly hurt any man, ſhall be fined at the Kings pleaſure. 3 *Ed.* 1. 9. & P. 1.

2. Huy and Cry ſhall be levied against him that wil not obey the Watch in the night.

What the party robbed ought to do which will take any bene fit by vertue of the Statute of Huy and Cry, 27 *El.* 13 & P. 8. 10.

1. Who-

1. WHosoever shall in the night unlawfully enter, *&c.* and hunt, take, or kill any Conies, shall suffer three moneths imprisonment, pay to the party grieved treble dammage and costs, and be bound with sureties to be of good behaviour seven years after. 3 *Jac.* 13 & P. Forests 9 & 11.

2. Whosoever shall by night or day unlawfully enter into any Parke impaled, or other severall grounds inclosed for the keeping of Deer, and there unlawfully hunt, drive, or chase out, or take, kill, or slay any Deer against the will of the owner or occupier of the same, shall suffer three moneths imprisonment, pay to the party grieved ten pound, or treble damages and costs at his election. 7. *Iac.* 13.

Quere if he shall not be also bound to the good behaviour for seven yeares after according to the Stat. 3 *Iac.* 13. Quere.

4. To hunt in the night in any Forrest, Park, or Warren, with Vizors, or other disguisements, and to conceale the same, or any offender upon examination before a Justice of the peace, or to disobey any arrest for such hunting, or to make rescues thereupon, is Felony; but to confesse the truth is against the King; but trespass finable by the Justices at the next Sessions 1. *Hen.* 7. 7. & *Poult.* 4. & Just. 16. Hunting in the night disguised, Felony.

4. Whosoever committeth trespass

Treſpaſs in Parks. in Parks, ſhall make great amends the party, be three years impriſone and bound with ſureties not to com the like offence, and be alſo fined the Kings pleaſure. *Weſtm.* 1. 3. *Ed* 22 & P. Forreſts. 3.

Buckſtalls. 3. Whoſoever having no Park, ſhall keep, or cauſe to be kept any Dee Hayes, or Buckſtalls, ſhall forfeite every moneth ten pound to any will ſue for it by action of debt, &c.

The like penalty for every time any that ſhall ſtalke, or cauſe oth to ſtalke with buſhes or beaſts at Deer without the licenſe of the own 19 *Hen.* 7. 11. & *Poulton* 2, & 3. Juſt. 35.

Keeping of greyhounds ſetting dogs or nets. 6. Whoſoever ſhall have or keep a Grayhound for courſing of Deer Hare, or ſetting Dogge or Net to ta Pheaſants or Partridges, unleſs he ha inheritance of ten pound *per annu* Freehold of three pound *per annum*, is worth in goods two hundred poun or be the ſonne of a Knight, &c. ſon and heire of an Eſquire, &c. ſh be three moneths impriſoned, unl he forthwith pay to the uſe of the po there 40*s.* 1 *Jac.* 27. & P. Pheaſants,

None ſhall hunt but he that hath ſufficient living. 7. If any Artificer, Labourer, or o ther Layman not having Lands or Te nements of 40 *s. per annum*, or a Spiritual perſon, not having Livi worth 10 *l. per annum*, ſhall have

keep any Grayhound, Hound, or other Dog to hunt, or ſhall uſe Ferrets, Hayes, Nets, Harepipes, Cords, or other engines to take or deſtroy Deer, Hares, Conies, or other Gentlemens Games, he ſhall be impriſoned by the ſpace of a year. 13 *R.* 2. 13. & P. 1. & Juſt. 36. And if any perſon not having Lands, *&c.* of the cleare yearly value of 40 *l.* or not worth in goods 200 *l.* ſhall ſhoot with gun or bow at Deer or Conies, or ſhall keep any Buckſtals or engines, hayes, gate-nets, purſe-nets, ferrets, or conie-dogs (exceptt Keepers, Warreners, and owners of Parks, and can make 40 *s.* *per annum* of the increaſe of Conies) every man having 100 *l.* *per annum*, may ſeize and take, and keep to his own uſe for ever, ſuch Guns, Bowes, Buckſtals, *&c.* 3 *Iac.* 13. & P. Forfeits 10. Nota.

8. He that ſhall kill, hurt, or take away any red or Fallow Deer, in any Forreſt, Chaſe, purliew or other place where they are uſually kept, without the owners conſent or perſon truſted with them, or ſhall be ayding and aſſiſting therein, forfeits 20 *l.* and for lack of diſtreſs to pay it, he is to goe to the Bridewell for ſix moneths, or to the Common Gaole for a year without bail, and to be bound to the good behaviour, 14 *Car.* 2. Selling Deer or Hare.

See Pheaſants, 6.

See

Tracing or shooting at Hares. See Pheasants, 3.

Hunting in Corn. See Hawking in Corn, 2.

Husbandry and Tillage.

SEE 39 *El.* 1 & 2. P. 1. &c. & Iust. 44.

Whosoever shall offend against the said Statute, shall forfeit 10 s. for every Acre of land converted from Pasture to Tillage, whereof one third part to the Kings own use, one other third part to the King for relief of the poor of the parish, and one other third part to any that will sue for it. 39 *El.* 2. & P. 24.

Within what time the offender, shall be sued.

Note that no offender shall be impeached or sued by vertue of this Act, unless such suit be commenced within two yeares after the offence done, *ibid.* & P. 26.

Indictments and Presentments.

1. ALL Indictments and Presentments ought to contain certainty, and therefore most commonly five principal things be requisite in Presentments before the Justices of the peace. 1. The

1. The Name, Sirname, addition of the party indicted.

2. The year, day, and place in which the offence was done.

3. The name of the perſon to whom the offence was done.

4. The name and value of the things in which the offence was committed

5. The manner of the fact, and the nature of the offence, as the manner of the Treaſon, Murder, Felony, Treſpaſs, *vid. Lamb. f.* 487.

What words not neceſſary in Indictments. See 37 *H.* 8. 7. & P. 1.

Proceſs againſt inditers in another County. 5 *Ed.* 3. 14. & P. 5.

Indictment of perſons dwelling in forrein Counties. 8 *H.* 6. 10. & P. 3.

Proceſs upon Indictment of Felony. See 25 *Ed.* 3, 14. & P. 5.

Where Juſtices of the Peace may charge one Enqueſt to Indict another. 3 *H.* 7. 1. & P. Jurors 9. & Juſt. 45.

By what perſons and by whom impannelled all Indictments ſhal be made. P. Jurors 7.

Indictments taken before Sheriffes in their Turns ſhall be delivered to the Juſtices of peace of the ſame Shire, under the pain of 40 *l.* 1 *Ed.* 4. 2. & P Sheriffes. 12.

Juſtices of peace may award Proceſs againſt them that be indicted in the turn *Ibid.* & p. 13.

Informer

1. IF any Informer or Promoter shall compound or agree with any person for any offence against any penal Law, without the order and consent of some of the Court. at *Westm.* or shall willingly delay or discontinue his suit once commenced, he shall lose 10*l.* and stand on the Pillory two houres. 18 *El.* 3. 5 & 27. *El.* 10. & P. Action popular.

2. Informations upon penal Statutes must be prosecured in the Counties where the offences are committed.

3. The Defendant in an Information upon a penal Statute may plead the general Issue, except in some special Cases. 21 *Jac.* 4.

Inholders.

1. NO Inholder dwelling in any Market-Towne, wherein is a common Baker that hath been Apprentice three seven years, shall within his own house make any Horse-bread, nor dwelling in any other throughfaire shall make it insufficiently, and not of due Assize, upon pain to forfeit the treble value. 13 *R.* 2. 8. 31 *H.* 8. 41. & P. 2. & Just. 50.

No Inholder or Hostler shall take any thing for Litture, nor excessively for Hay, nor above a half penny in a bushell

bushell for Oates above the common price in the Market, upon pain to forfeit the quadruple value of that which he shall take more. 13 *R.* 2. 8. 4 *H.* 4. 25. & P. 1. & Just. 50.

Inholder keeping misorder, see Alehouses 1, &c.

Hostlers are not to make their own horsebread, but in some speciall Cases, and then of the due Assize. And they are to sell their provender according to the market price, or the Justices may for the first offence Fine them. For the second offence imprison them a moneth without baile. For the third offence set them on the pillory, unless they releive the punishment by money. 21 *Iac.* 12.

Inrolments.

ALL Deeds to be inrolled must be inrolled within six moneths after the date, reckoning 28 daies to every moneth, and must be indented *Revera*: And if it have no date, then within the six moneths after the delivery; and if it be inrolled the last day of the six moneths it is good, and any one Justice of the Peace may joyn with the Clerk of the peace in taking the Inrolment of an Indenture of bargaine and sale of Lands,

Lands, &c. lying in the County where he is Juſtice. 27 *H.* 8. 16. & *P.* 1.

Jurors, Juries, and Enqueſts.

Juror taking reward to give his verdict.

1. IF any Iuror in an Enqueſt ſhall take any thing to make his preſentment favourable, he ſhall forfeit *decies tantum*, and if he have not ſo much, he ſhall be one year impriſoned. 34 *Ed.* 3. 8. 38 *Ed.* 3. 12. & *P.* 4.

No Juror returned without his addition.

2. If a Juror be returned without an addition by which he may be known, the party that returned him ſhall loſe 5 Marks to the King, and as much to the party grieved.

Gathering Iſſues, not due.

The like penalty for gathering Iſſues when they are not due. 27 *El.* & *P.* 33, 34.

See more concerning Iurors. *P.* 1. 8. &c.

The ſufficiency of Iurors to enquire of forcible entry.

3. Jurors to inquire of forcible entry, ought to have Lands or Tenements of the clear yearly value of 40 *s.* 8 *H.* 6 9. & *P.* 12.

Sufficiency of Jurors to inquire of, Riot, Rout. &c.

4. Jurors returned to enquire of a Riot, Rout, or unlawfull Aſſembly, muſt have lands in that County of 20 *s.* *per annum*, of Freehold; or 26 *s.* 8 *d.* of Copyhold, *ultra repriſas*, upon every of which, the Sheriffe ought to returne 20 *s.* in Iſſue for the firſt day, and 40 *s.* at-

at the second day, 19 *H.* 7. 13. & P. Riots 14.

But if it be upon a Commission, then the Jurors ought to have 10*l.* *per annum*, at least, *Ibidem* & P. 7.

Labourers.

1. IF any Clothier, Taylor, Shoomaker, Tanner, Baker, Miller, &c. shall retaine any servant to worke in his Science or Art for lesse then a year, the Retainer shall be void, 5 *El.* 4. & P. 1. — What persons shall not be retained under a year.

2. Who are compellable to work in Handy-crafts and Husbandry, *ibid.* & P. 2. 3. — Refusing to serve.

3. Who are compellable to work in Harvest. P. 13.

4. If any person shall give any wages contrary to the rates of wages of servants and Labourers appointed, and proclamed, he shall be imprisoned ten daies without bayle, and forfeit 5 *l.* and every person taking such wages and being thereof convicted, shall be imprisoned 21 daies without bayle, 5. *El.* 4. & P. 4. — Giving or taking wages contrary to the Statute.

How the wages shall be rated, see P. Just. 66.

5. If any person shall put away his servant before the end of the terme, without — Putting away a servant.

without a reasonable cause allowed by a Justice of the peace, or at the end of his terme without a quarters warning before given, he shall forfeit 40 s. 5 El. 4 & P. 5.

The servant departing from his Master.

And if any servant shall depart without such cause before the end of his terme, or at the end thereof, without such warning given before two lawfull witnesses, he shall be imprisoned without baile, till he be bound to the Party to serve and continue with him, *ibidem* & P. 6.

Servants shall not depart into other towns without testimonial.

6. If any person retained in husbandry, or other the Arts before mentioned, shall after his retaine expired, depart out of one County, City, Town, or Parish, to another without a Testimonial declaring his lawful departure, he shall be imprisoned till he procure such Testimonial, which if he cannot doe within 21 daies after the first day of his imprisonment, then he shall be whipped, and used as a Vagabond, *ibidem*, & P. 7.

No servant shall be relieved without shewing his testimonial.

And every person which shall retain any such servant without shewing such Testimonial, shall forfeit for every such offence 5 *l.* 5 El. 4. & P. 8.

Counterfeit testimonials

And if any such persons shall be taken with a counterfeit or forged Testimonial, he shall be whipped as a Vagabond P. 8.

7. How long Workmen shall continue

tinue at their Labour. See 5 El. 4. & P. 9. Nota.

8. If any ſhall undertake worke by the great, and ſhall unlawfully depart before it be finiſhed, he ſhall forfeit 5 l. to the party from whom he ſhall ſo depart, and be impriſoned a moneth, 5 El. 4. & P. 10. Undertaking work and not finiſhing it.

9. If any Servant, Workman, or Labourer, wilfully, and malitiouſly make any aſſault or affray upon his Maſter or Dame, or other perſon, having the Charge of ſuch workers or work, he ſhall ſuffer one years imprisonment, or leſs, at the diſcretion of the Juſtices, and ſuch further puniſhment as they ſhall think fit, not extending to life or limbe, 5 *Ric.* 2. & P. 12.

10. Women of the age of 12 years and under 40 and unmarried, may be compelled to ſerve, 5 *Eliz.* 4. & p. 14. Women compelled to ſerve.

11. Servants of the age of 18 years, and not being an Apprentice, going away with, or converting to his own uſe any Money, Jewels, Plate, Goods, or Chattels of his Maſters or Miſtris, and of his or her delivery to keep, of the value of 40 s. to the intent to ſteale the ſame, is Felony. 21 *H.* 8. 7. 5 El. 10. & P. Stealing 1. Servants imbezling their Maſters goods.

Taking Apprentices contrary to the Statute.

12. Whosoever shall take an Apprentice contrary to the Law, shall forfeit for every Apprentice 10l 5 *El.* 4. & *Poulton* 2. 6.

None shall occupie any craft, but to which he hath bin an Apprentice.

13. Whosoever shall exercise any art or manual occupation used, 5 *El.* not being brought up therein, as an Apprentice seaven years, or shall let any to work in it, which is not a workman, or Journey-man by the year, or hath served as an Apprentice 7. years, shall forfeit for every moneth 40s. 5 *El.* 4. & *P* 20.

A remedy for an Apprentice misused by his Master.

14. If any disagreement shall be between a Master and his Apprentice, which cannot be reconciled by a Justice of the peace, &c. for want of conformity in the said Master: Then the said Justice shall take bond of the Master to appear at the next Sessions, and upon his appearance, and hearing of the matter, the Justices there, or four of them at the least, whereof one to be of the Quorum, may discharge the said Apprentice by writing under their hands and Seals; or punish him, as by their discretions shall be thought meet. 5 *El.* 4. & P. 25.

Nota. An Apprentice cannot be discharged unlesse by writing.

Nota. How and by whom any money given to any Town, for binding out Apprentices shall be imployed, see 1. *Jac.* 3.

Servants

Servants departing into another ſhire, *vide* P. 28. Nota.

Labourers or Workmen conſpiring for the order of their work, ſee Artificers.

Soldiers that have ſerved the King and an Apprenticeſhip at any Trade, for a part of their time of ſeven yeares, may freely uſe any Trade, 14 *Car.* 2.

Larceny and petty Larceny.

WHoſoever ſhall feloniouſly take the goods of another exceeding the value of 12 d. removed from the body or perſon, it is Larceny, and puniſhable by death, except he be ſaved by his book. Larceny.

But if the thing ſtoln be under the value of 12 d. it is petty Larceny, and not puniſhable by death, but he ſhall forfeit his goods and chattels. Petty Larceny.

Leather, Tanner, Currier.

SEe 1 *Jac.* 2. & P. 4. Who may be a Tanner

A Tanner ſhall not uſe any other Trade, cutting or working Leather, *ſimul & ſemel* upon pain to forfeit the hides and skins, 1 *Jac.* 22. *Poult.* 5. A Tanner ſhall not be a cutter of Leather. See

How hides shal be used in vanting.

See 1 *Jac.* 22. & P. 9.

3. Who may buy rough hides & Calves-skins, or tanned Leather not wrought, *ibidem* & P. 6. & 8.

4. If a Tanner shall raise his hides with any mixtures contrary to the Stat. he shall forfeit the same hides. 1. *Jac.* 22 & P. 10.

5. Whosoever shall put to sale, or depart with any untanned Leather rel and unwrought, but in open Faire or Market in the place thereof prepared, unlesse it hath been first lawfully searched and sealed according to the Stat. or shall offer to put to sale any Leather before it be searched and sealed according to the Stat. shall forfeit for every Hide or peece of Leather 6s. 8d. and for every dozen of Calves skins or sheep skins 3s. 4d. and the hides or skinnes, or the value of them, 1. *Jac.* 22. & P. 11.

6. It shall be forfeited *ibid.* & *Poulton.*

7. Whosoever shall set his Fats in Tann-hills or other places where the woozes or leather put therein shall or may take any unkinde heat, or shall take and put any Leather into any hot or warm woozes, shall forfeit for every offence ten pound, and stand on the Pillory three Market-dayes, *ibid* & P. 13. & 45.

Curriers.

8. If any Currier shall curry any Leather

Leather contrary to the Stat. 1 *Jac.* 22. or ſhall ſpoyle or hurt any Leather by ſcalding, ſhaving, or gaſhing it, he ſhall loſe for each skin marred, a Noble (except gaſhing) and for gaſhing double ſo much as the Leather is impaired. 1 *Jac.* 22. & *Poulton* 17. & 45.

9. No Currier ſhall be a Tanner, Cordwainer, Shoomaker, Butcher, or other Artificer cutting Leather, *ſimul & ſemel*, upon pain to forfeit three ſhil. eight pence for every skin, 1 *Jac.* 22. & P. 20.

A Currier ſhall not uſe any other trade cutting leather.

10. If a Currier ſhall refuſe to curry within eight dayes in ſummer, and ſixteen in winter, any Leather brought to him by any Cutter of Leather or his ſervant, bringing with him good ſtuffe for liquoring the ſame, he ſhall forfeit for every hide 10s. 1 *Jac.* 22. & *Poulton* 23.

Within what time leather ſhal be curried.

11. If a Lord of a Faire or Market ſhall not yearly appoint and ſwear Searchers, Sealers, Tryers of Leather according to the Stat. he ſhall forfeit for every default five pound; and if the perſons ſo elected and appointed ſhall not forthwith do their duties, they ſhall alſo forfeit five pound for evere default, 1 *Jac.* 22. & P. 22. *vide Poulton.* 26.

Thepenalty for not appointing Searchers.

12. If any Searcher, or Sealer of Leather ſhall refuſe with ſpeed to ſeal good Leather, he ſhall forfeit for every offence

A Searcher omitting his duty, or taking bribes.

Denying of the office, fence 40s. Or if he ſhall take any bribe, or exact any under Fees, he ſhall forfeit for every offence 20l. or if he ſhall refuſe to execute the ſaid office, he ſhall forfeit 10l. 1 *Jac.* 22. & P. 31.

Denying of Search. 13. Whoſoever ſhall deny or withſtand any ſuch Searchers, he ſhall forfeit for every time 5l. *ibid.* & P. 36.

Selling leather not regiſtred. 14. Whoſoever ſhall put away any tanned Leather red, and unwrought, without regiſtring the ſame, and the price, ſhall forfeit the value of the Leather, 1 *Jac.* 22. & P. 36.

Buying leather not ſealed or regiſtred. 15. Whoſoever ſhall buy any tanned Leather before it be ſearched & ſealed, or carry it out of any Market or Faire before it be regiſtred, ſhall forfeit the Leather, or the value, 1 *Jac.* 22. & P. 37.

Shoomaker 16. If any Shoomaker ſhall make any Boots, Shooes, &c. contrary to the Statute: Or ſhall ſhew to the intent to put to ſale any Shooes, Bootes, &c. upon the Sunday, ſhall forfeit for every paire 3s. 4d. and the true value of the ſame, 1 *Jac.* 22. & P. 23.

See 1 *Jac.* 22. & P. 41. & 45. Forfeited Leather ſhall not be ſold to him that will ſell it, *ibid.* & *Poulton* 42.

Liveries,

IF any person by himself or other for him shall give any Livery of Sign or Company, or badge, or retaine any man other then his houshold servant, Officer, or learned man in the Law, he shall loose 5l. and the retained as much, for every moneth that he is so retained 8 *Ed.* 4. 2. & P. 5.

Mayme.

Mayn

WHosoever shall Mayme another of any member, whereby he is lesse able to fight, as by putting out his eye, striking off his hand, finger, foot, beating out his fore-teeth, or breaking his scull, shall be grievously punished, *Lamb.* 429.

Maintenance, Champerty, Embracery.

See Riots. *a*

b See P. forcible entry 6.

Maintenance, inquiry of Riots, Routs, &c. Forcible entries by maintenance.

§ 2. Whosoever shall unlawfully maintain, or cause, or procure any unlawfull Maintenance in any Action, Suit, Demand or Complaint in any of the Kings Courts, *&c.* or shall unlawfully retain for Maintenance of any Suit or Plea, any person or persons, or

Maintenance of ſuites.

imbrace any Freeholders or Jurors, ſuborn any witneſſe by letters or otherwiſe, for to maintain any matter cauſe to the diſturbance or hinderance of Juſtice, or to the procurement occaſion of any manner of perjury falſe verdict, &c. ſhall forfeit for every offence 10 ſ. 32. H. 8,9. & P. 4.

Nota.

But note that the Suite muſt then Commenced within a year after the fence.

Champertors.

3. Champertor is he which moves pleas and ſuites, or cauſeth or procures them to be moved at his own coſts, the end to have part of the Land, or ther thing in variance; and he that thereof attainted ſhall be three years impriſoned, and further puniſhed the Kings pleaſure, 33. Ed. 1. P. 5.

Embracers

4. Embracer is he which comes to the Bar with the party, and ſpeaketh in the matter, and is there to vey the Jury. P. And he ſhall be niſhed as a Juror which taketh reward to give his verdict.

See Jurors, & P. Jurors 56.

Manſlaughter

Manſlaughter may be { By Chance-medley, or by miſadventure. } Chance-medley.

Chancemedly, is when men meet by mear Chance, and upon ſome unlooked or occaſion, without any former malice, and one of them is ſlain. *Se Defendendo* is when one killeth another in the neceſſity of his own defence, and cannot otherwiſe eſcape with his life from him. But then he muſt fly ſo far as he may, and till he be letten by ſome wall, hedge, ditch, preſſe of people, or other impediment, who notwithſtanding ſhall be committed till the time of his tryal, and ſhall loſe his goods and ſeek his pardon. Se defendendo.

Note the caſe of *Darnel* and *Brouſer* at *Hertford* Aſſizes 1619. Nota.

Miſadventure, is when a man is doing of a lawfull act without evil intent, and another man is ſlain unawars thereby; As if a Labourer do work with an Axe, and in fetching of his blow, the head of the Axe flyeth off, and killeth one ſtanding by, *&c.*

Note that he which is acquitted of Murder or Manſlaughter at the Kings ſuit, muſt be remitted to priſon, or let to mainprize till the year and day be paſſed, and the party grieved may in the mean time commence his appeal, 3 *H.* 7. 1. & P. 4. Nota.

Murder

Murder ſhall be intended of them which be feloniouſly ſlain, and not where an act is done by misfortune, *Marlb.* 52. *H.* 3. 26. & P. 6.

Poyſoning.

Whoſoever ſhall commit any wilfull murder, or willfull poyſoning of malice prepenſed, ſhall ſuffer death, and not have Clergy 1 *Ed.* 6. 12. & P. 5.

In caſe of poyſoning, the party muſt dye thereof within a year and a day, after *Dolton.* 213.

Stabbing

Whoſoever ſhall ſtab or thruſt another that hath not then any weapon drawn, nor firſt ſtrucken, the party ſo ſtabbing, or thruſting, ſo as the party ſtabbed or thruſt do die thereof within ſix moneths after, ſhall ſuffer death, and not have Clergy, 1 *Jac.* 8. & p. 7.

Malt.

Malt to be three weeks in the whol time of making.

HOw long Malt ought to be in the Fat-floore, ſteeping and drying. And whoſoever ſhall do contrary thereto, and be thereof convicted by the preſentment of 12 men, or two ſufficient witneſſes, ſhall forfeit for every quarter 2s. 2 *Ed.* 6. 10. & P 1.

Such as mingle good Malt with bad to ſell, ſhall forfeit to the King and the former for every quarter ſo put to ſale 2s. *Ed.* 6. 10. & P. 2.

Who

Whoſoever ſhall put to ſale any Malt not being well trodden, firſt rubbed and fanned, ſhall forfeit for every quarter 20d. 2 Ed. 6. 10. & p. 3.

Malt made for a mans own proviſion is excepted out of this Statute, *Ibid.* & P. 5.

And all offenders againſt this Statute muſt be ſued or preſented within one year after the offence. *Ibidem*, & P. 5.

Whoſoever ſhall be lawfully diſcharged and ſuppreſſed touching his making of Malt, and will not accordingly forbear, ſhall be three dayes impriſoned, and before his enlargement become bound in 40l. to obey ſuch ſuppreſſing 39 Eliz. 16. & P. 6. The number of Malſters may be reſtrained.

See more, 17. *K.* 2. 4. 39. *El.* 16. 3. *Jac.* 11.

Milch-Kine.

WHoſoever ſhall feed above a 120. ſhorne ſheep for the moſt part of the yeat upon his grounds which be ſeverall and for Milch-Kine, and ſhall not for every 6. ſheep keep one Milch-Cow, and moreover for every ſixſcore ſheep yearely reare one Calfe during the time of keeping ſuch ſheep, ſhall forfeit A Cow ſhall be kept for 60. ſheep. A Cow for 10. beaſts feed, & for every two Kine a Calf.

feit to the King and Informer for every Cow not kept, for every Month 2 cs. and as much for every Calf not reared, 2 & 3. P. & M. 3. & Paulin Cattle 3.

Whosoever shall feed upon his several pastures above 20. Oxen, Roints, Steeres, Scrubbs, Heifers, Kine, and shall not for every 10. beasts keep one Milch-Cow, and for every two Kine wean and rear up yearly one Calf (except it dye) shall forfeit *ut antea*. Provided that no person shall be compelled to keep any Kine, or rear any Calf for such sheep or other beasts which he keepeth or feedeth to be spent in his house, 2. & 3 P. & M. 3. 13. El. 25. & P. Cattels 4.

Mortuary.

The pay for all Mortuaries.

IF any spiritual person, or any for him shall take Mortuary (corps present) or any thing for the same in any place where the same was not used to be given; or shall take in place where Mortuaries are used, any thing for Mortuary where the goods of the dead are under ten marks, or more than 30. where the goods shall be of the value of ten Marks, and under 30l. or above 6s. 8d. where the goods shall be under

40l. or above ten ſhillings, where the goods ſhall be above 40l. he ſhall forfeit ſo much as he ſhall take over, and looſe 40s. to the party grieved, 21 *H.* 8. 6 & P. 1: 3: 7:

Maſons.

TO cauſe Maſons to congregate themſelves Chapiters is felony: And the Maſons which come to ſuch Chapiters and Congregations ſhall be punished by impriſonment of their body, and make fine and ranſome at the Kings pleaſure, 3 *H.* 6. 1. & P. 1.

Matrimony and Bigamy.

IF any perſon being married shal marry any other, the former husband or wife (being other then ſuch perſon whoſe husband or wife hath remained beyond the Seas 7 yeares together, or hath abſented him or her ſelf one from the other 7. years together within the Kings time, the one not knowing the other to be living; or that was before lawfully divorced, or whoſe former Marriage was void by law, &c.) every ſuch offence shall be Felony. 1 *Jac.* 11

To marry, the former husband or wife living, is felony.

& P. 8. 9. But he ſhall be allowed Clergy, P. Clergy 17.

Officers.

FOr Officers, See 12 *R.* 2. 2. 17 *R.* 2. 1 *H.* 4. 13. 13 *H.* 4. 5. 2 *H.* 6. 10. 31 *H.* 6 5. 5. & 6. *Ed.* 6. 15.

Juſtices, Conſtables, Churchwardens, and Overſeers of the poor, if they be ſued for doing any thing in and about their Offices, may plead the general Iſſue; and if in the ſuit the verdict goe with the Defendant, or the Plaintiff be non-ſuit, or ſuffer a diſcontinuance of his Action, the Defendant ſhall recover double coſts.

Ordinary.

IF any Ordinary or his Scribe Regiſter, &c. ſhall take greater Fees then are allowed by the Stat. 21 *Hen.* 8. for the probat of a Teſtament, or Letters of Adminiſtration, he ſhall forfeit for every offence ten pound to the King, and the party grieved. And moreover to the party grieved ſo much as he ſhall take contrary to this Act. 2, *H.* 8. 5 & P. Probate of Teſtaments, &c. 1, 2, 3. 12. Parlia-

WHo ſhall be a Knight to the Parliament, with the manner of their election, See *Poulton*, 4 & 9.

The order of levying and paying of the wages of the Knights of the Parliament, ſee P. 12. & Juſt. of P. 52.

Perjury.

AGainſt ſuch as do procure wilfull Perjury, See the Stat. 5 El. 9. & *Poulton*, 1 &c. and Juſt. of Peace, 23.

Petty Treaſon.

IF a Servant kill his Maſter or Miſtris, or a Wife her Husband, or any Eccleſiaſtical perſon his Prelate, it is petty Treaſon, and this manner of Treaſon doth give the forfeit of the Eſcheats to every Lord of his owne proper Fee. 25 *Ed.* 3. 2. & P. Treaſon, 7.

Pewter or Braſs.

IF any Pewterer or Braſier ſhall ſell or exchange any Braſs or Pewter but onely

onely in open Faire or Market, or in his house, unless he be desired by the buyer, he shall lose 10*l.* for every default Or if he work any hollow ware of Lay Mettall, which is not according to the Assise of Lay Mettall wrought in *London*, or set not his Seal or Mark upon the said Ware, he shall lose the value of the Ware, 19 *H.* 7. 6. 4 *H.* 8. 7. P. 13. & See Just. of P. 16.

Plague.

IF any person infected with the plague and commanded to keep house, shall notwithstanding wilfully and contemptuously goe abroad and converse in company, having any infectious sore upon him uncured, he shall be adjudged a Felon, and suffer death; but if such person shall not have such sore found about him, then to be punished as a Vagabond according to the Stat. 39 *El.* 4. and further to be bound to his good behaviour for a whole year. 1 *Ja.* 31 & P. 4.

Player.

WHosoever shall by himselfe or any other for his gain or living, keep or maintain any common house, Alley, or place of playing at Bowles, Coytes, Cloth, Cayles, Tennis, Dice, Cards, Tables, Shove-groat, Foot-ball, or casting of the stone, or any other unlawfull play or game, shall forfeit for every day 40*s.* And every person using and haunting such house or place, and there playing, shall forfeit for every time 6*s.* 8*d.* 33 *H.* 8. 9. & P. 1. 5. Maintainance of houses for unlawfull games. Playing at unlawfull games.

2. If any Artificer of any occupation, or any Husbandman, Apprentice, Labourer, servant at Husbandry, Journeyman, or any servant of Artificer, or any Mariner, Fisher-man, Water-man, and Servingman, (other then of a Nobleman, or of him that may dispend 100*l. per. an.* playing within the precincts of his Masters house) shall play out of *Christmas* at any of the unlawful Games, or in Christmas out of his Masters house or presence, he shall forfeit for every time 20*s.* 33 *H.* 8. 9. & P. 3. & 5. Persons prohibited to play at unlawfull games.

Who shall have the forfeiture, *ibidem* & P. 7. & actions popular 1.

All Actions, &c. upon this Stat. must be commenced within a year after the offence, 33 *H.* 8. 9. & p. 7.

Players abusing the name of God, forfeit 10*l.* for every offence, 3 *Iac.* 21. & P. 8.

All

All Licenses for houses of unlawfull Games void. 2. and 3. Ph. M. 9.

Poor People.

Overseers of the Poor.

1. WHo shall be Overseers of the poor of every Parish, and and when, and by whom to be chosen, together with the duty of such Overseers, see 43 *Eliz.* 2 & *Poulton.* 2.

2. If any parish shall not be able to relieve their poor, then two or more Justices of the Peace, whereof one to be of the *Quorum*, dwelling in, or neere the same Parish, or Division where such parish is, shall and may tax any other of other parishes, or out of any parish within the same hundred, to pay such sum and sumes as they shall think fit according to the intent of the Law. And if the hundred be not able, then the Justices of the peace, or greater number of them, may at their severall quarter Sessions, Rate any other of the parishes thereunto, as they shall think fit, 43. *El.* 2. & *P.* 3.

3. Whosoever shall refuse to contribute according as they be assessed, shall be distrained by Warrant from any two such Justices, and in default of distress.

treſs ſhall be committed to the common-Gaole without bayle, till they pay the ſame, and the arrearages, 43 *El.* 2. & *P.* 4

4. Such poor as will not worke, being thereunto appointed by the Churchwardens and Overſeers, may be ſent to the houſe of Correction by one, or more Juſtices of the *Peace*, 43 *El.* 2. & *P.* 4. The punishment of thoſe which will not work.

5. The greater part of the Juſtices at their generall quarter Seſſions may by the agreement of the Lord of any Waſt or Common, ſet up habitations there for the poor, and place Tenements in the ſame, 43 *El.* 2. & *P.* 6.

6. Whoſoever ſhall find themſelves grieved with any Seſſe or Tax, or other thing done upon the ſaid Statute, 43 *El.* 2. The greater part of the Juſtices at their generall quarter Seſſions ſhall take ſuch order therein as to them ſhall be thought convenient, which ſhall conclude and bind all parties, 43. *Eliz.* 2. & *P.* 7.

7. If the Father, Grand-father, Mother, Grand-mother and Children, being of a ſufficient ability, ſhall not relieve their poor and impotent Parents and Children, in ſuch manner as they ſhall be aſſeſſed by the greater part of the Juſtices at their general quarter Seſſions, every of them failing therein,

ſhall

shall forfeit for every moneth 20 *s.* 43 *Eliz.* 2 & P. 8.

8. If a parish lie within two Counties, or part within a liberty, and part without, the Iustices shall deale and intermeddle only with so much of the said parish as lieth within their limits concerning the nomination of Overseers, &c. 43 *El.* 2. & P. 10.

The forfeitures for not nameing Overseers.

9. If the Justices of Peace within their divisions shal not nominate Overseers for the poor in every parish according to the Law, every of them making default, shall forfeit for every such default, 5 *l.* 43 *El.* 2. *&* *P.* 11. which shall be to the use of the poor of the same parish, and be levyed by warrant from the general Sessions, *Ibid.*

10. How the forfeitures mentioned, shall be levyed and imployed, see 43 *El.* 2. *&* P. 12.

11. The Justices of Peace or the more part of them at their generall quarter Sessions next after Easter shall rate every parish to a weekly sum, not above six pence, nor under a half penny, nor the totall sum of such taxation of the Parish, to be above the rate of two pence for every parish in the County, for relief of the Prisoners in the Kings Bench, Marshalsey, Hospitals and Almshouses in the County, and shall also rate the sums to be sent to every of these places, and elect a Treasurer for that

that purpose, and punish him that refuseth. 43 El. 2. & P. 13, 14, and 16.

If any able person threaten to run away, and leave their families behinde upon the parish, they shall be punished as Vagabonds, 7 *Iac.* 4. See Vagabonds.

And by the new Srature of 14 *Car.* 2. It is further provided, as followeth,

1. That the Inhabitants of the Townships within the great parishes of *Lancashire, Cheshire, Derbyshire, Yorkshire, Northumberland*, and the Bishopwrick of *Durham, Cumberland*, and *Westmerland*, are to take care for the poor of the Townships only, and yearly to choose Officers for the poor for the place. And these Officers are to have the same power in those places for relief of the poor, and forfeit the like penalties as such like Officers of every parishes do forfeit. *Lancashire, &c.*

2. That if any stranger come into the parish into any Tenement under the yearly valew of 10*l.* they may require sufficient security of him for the discharge of the parish. And if he refuse, complain to the Justices of Peace, who may order him to do it. But the complaint must be within 40 dayes, or it will be too late. But if he be grieved with this order, he may appeale to Sessions. Parish charge.

3. That where the Putative Father Putative Father of a Bastard Child.

or

or Mother of a Baſtard child, ſhall run out of a pariſh, or County, and leave their Children upon the charge of the pariſh, having eſtates ſufficient to diſcharge the Pariſh, there the Churchwardens and Overſeers of the poor of the place where the Child is borne, may ſeize ſo much of the goods or Cattle, or Rent of his or her Lands for the diſcharge of the pariſh, and bringing up, and providing for the Child, as any two Juſtices of Peace ſhall order. And thereupon the Seſſions is to diſpoſe and ſell the goods and Cattle, and to order what the ſame Officers ſhall receive of his Rents, and Lands for the purpoſes aforeſaid.

Rogue. 4. That where a Conſtable is put to charge by the relief, or Conveyance of a Rogue by a paſs, he with the Churchwardens, Overſeers of the poor, and

Rate. ſome of the Inhabitants of a pariſh may make a Rate upon the pariſh to raiſe it upon all ſuch as are ratable to the poor. And this Rate any two Juſtices having confirmed, they may give their warrant to the Conſtables to levy by way of diſtreſs and ſale of goods, rendring the overplus. And by this the Conſtable is to pay himſelf.

5. That he that comes with a Certificate from the Miniſter, one of the Churchwardens, and one of the Overſeers, that he hath an habitation and a family

family in another parish, and comes to work at Harvest only, and returnes when he hath done, is not to be accounted such a one as to be ordered to remove by the Justices, nor shall this make any settlement; nor if he fall sick, or be impotent there; but any two Justices may send him to his habitation (or if he refuse, to be sent to the Bridewell.) And the Overseers of the poor must, when sent to that parish, receive him; otherwise any one of the Justices of the place may bind him to the Assizes or Sessions. Setlement.

6 That the Justices in the Sessions may make a new, or another Rate for the relief of the Mariners and Soldiers to such a value. Mariners & Soldiers.

7. That these Officers are to dispose of the County stock appointed for poor Mariners and maimed Soldiers, as the Justices shall appoint. County stock.

And they are also to pay towards the relief of such Mariners and maimed soldiers, and the Widdowes of such as are slain, what any two Justices out of Sessions shall order, and for this such poor persons, their Children, and Orphans dead, are to goe to the place where they were last settled, and get a Certificate to their service and wounds, and repaire to the Justices of that County for relief, and they are to order relief for them. Mariners & maimed Soldiers.

8. That

Maimed Soldiers.

8. That any two Justices upon the complaint of a poor maimed Soldier or Mariner that served the King, and the proof of his service and wounds by the Certificat of his Captain, or otherwise may upon Oath (which they may give) order him relief out of the County stock, till the quarter Sessions, and there a pension may be settled upon him; so the same Justices may give an allowance to the Orphans and widowes of such soldiers and mariners, till the Sessions that a Pension be setled out of the County stock.

Rogue.

Any one Justice to whom a Rogue shall be brought, hath power to reward the person that doth apprehend; and for this may send his warrant under his hand and seale to the Constable, or Tithingman of the place, through which he did pass unapprehended, to give him two shillings for every Rogue so taken, the which if he do not give him, this Justice may proceed against the same offender, upon 1 *Jac.* 7. and out of the forfeiture of that Constable for that neglect, give to the party that did apprehend the Rogue, what allowance he shall think fit.

And if one shall take a Rogue going out of one into another County, who had passed through a parish of the other County unapprehended, he may goe to any Justice of the County through

through which he passed, & this Justice is then to give him a Certificate of it, and a warrant under his hand and seal to the Constable of the place he went through, to pay him two shillings, the which if he refuse or neglect to doe, then may he proceed against him for the 10s. forfeiture upon 32 *Eliz.* 4.

Resolutions of the Judges, in the time of Qu. *Eliz.* touching Poor, &c.

1. IF the Parents be able to work, and they have work, they are to find their Children by their labour. Children, Parents.

2. If overburthened with Children, good to bind some Apprentices.

3. Parents, be Grandfather and Grandmother; and Children include Child and Grandchild,

4. Young Children whose Parents are dead, are to be set on work, relieved or maintained at the charge of the Town where they were dwelling at the time of the death of their Parents, and not to be sent to the place of their birth. *Plowden* 16. P. & *Dalton*. P. 75.

5. Those that travaile through a Town, and are not Rogues, and they dye, or run away, and leave their Children,

dren, The Town is not bound to keep them, nor send them away but in charity, except they do become wandring beggars.

Houses. 6. None but impotent to have houses provided them.

Passe. 7. None to be sent out of any parish but vagrant Rogues.

Begging. 8. None to be suffered to beg, though in the same parish, unless it be by order of the Overseers, nor by highwayes, though in the same parish.

Passe of poor. 9. Rightly sent, are to be offered to the Churchwardens and Overseers, They not receiving them, forfeit 1.

10. Who send with a general pass without conveying from parish to parish, forfeit 5l.

11. Vagrant Wife with her Husband, and he is dead, she must be sent where she was borne or dwelt.

12. The Wife or Child under 7. of a Rogue, whose birth or dwelling cannot be known, must goe with the Husband to the place where they were last suffered wilfully to pass without punishment, where the Child must be relieved by the work of the Parents, though the Parents be committed to the house of Correction.

13. Vagrant under 7. with the Father, he dead with the Mother, where she was borne or dwelt, grown above 7. and the Parents run away, or dye, not

not to be sent to the place of birth.

14. Above to the place of birth.

15. Vagrant Wife to be sent to her Husband, though a servant in another Town.

16. Husband or Wife of a wanderer have a House, or be an Inmate, the wandrer must be sent thither.

Resolutions of the Judges, upon the Statute touching the Poor, and Rogues.

A Rogue affirmeth he was borne in such a Town, in such a County, then he ought to be sent thither; and if he were not borne there, he is said to be an Incorrigible Rogue, and is to be sent to the House of Correction; and if there be not a House of Correction in those parts, to the Goal, untill the next Sessions, there to be dealt withall according to the Statute.

The same course is to be taken, if it doth not appeare where he was borne, or if he untruly affirme that he was last dwelling in such a Town by the space of a year, and was not.

If the Husband and Wife have a house, and the Husband and Wife doe rogue abroad, they ought to be sent to

to that town where that house is, and so of an Inmate:

Quere; for inmates in some cases are against the Law: I think an inmate by the appointment of the Justices, 43. E.

The wife and children under seaven years of age, being vagrant, must go and be placed with the husband: if the husband be dead, then the wife where she was born and dwelt, and the vagrant children above seaven years of age must be sent to the place of their birth. And if the vagrant parents with their children under seaven years of age be placed at the place of the birth of the parents, or at the place of their last dwelling (as the case shall fall out) if afterwards the parents or either of them die or run away, yet the children once setled must remain there still, and may not be sent to the place of their Birth, though afterwards they grow above the age of seven years.

The wife being a vagrant Rogue, ought to be sent to the husband, yea though he be but a servant in another town.

The rogue whose place of birth or dwelling cannot be known, and hath wife and children under seaven years of age; they must go with the husband to the place where they were last willfully suffered to passe without punishment, where the children must be relieved by the worke of their parents, though the

parents

parents be committed to the house of correction.

If any not being Rogues, shall travel with their children through a town, and their father or mother die or run away, the town where they dye is not bound to keep them, nor to send them away, but onely in charity, except they become wandering Rogues.

If the parents be able to work, and may have work, they are to finde their children by their labours, and not the Parish. But if they be overburdened with children, it shall be a good way to procure some of them to be bound out Apprentices.

None is to be put out of the town where he dwelleth, or sent to the place of Birth, or last dwelling, but onely a Vagrant Rogue. Such are not to be found by the Town except they be impotent, but ought to set themselves on work if they be able and can get work; if they cannot, then the Overseers must set them to work. And so of them which have or shall have houses when their estates be expired; and Servants whose time of Service is expired, though they cannot get houses, yet they must provide themselves of houses if they be not impotent.

Such persons as be of any parish, and have able bodies to work, and be no wanderers abroad out of the Parish, though

though they refuse to work at such rates as are taxed, or commonly given in those parts, are not to be sent to the place of their Birth or last dwelling by the space of a year, but to the House of Correction.

But if they have any lawful means to live by, though they be of able bodies, and refuse to work, yet they are not to be sent to the house of Correction.

Such as will remove or put out of their Parish those that are not to be put out, do against the Statute of the Poor; and are finable, 39. *Eliz.* 4.

If any be sent to the Town where he ought to be sent, and is refused, being a sturdy and impudent Rogue, the parties refusing, and the partie refused, is to be offered to the Church-wardens and Overseers.

To send Rogues by a general Passe, without conveying them from parish to Parish, is a let to the conveying of Rogues, and so a forfeiture of five pound; and to go with such a passe, is but still to continue a Rogue to be punished by whipping.

Preachers and Ministers of the Church.

1. WHosoever shall of purpose maliciously and contemptuously molest,

moleſt, or by any means hinder or miſuſe any Preacher lawfully authoriſed in any his open Sermon or Preaching in any Church or other place uſed and appointed; and his aiders, procurors, and abettors ſhall be three moneths impriſoned, and further to the next quarter Seſſions, and then upon his reconciliation before them ſhall be delivered out of priſon upon ſufficient baile for his good behaviour to be taken by the ſaid Juſtice for one whole year after, 1 *M.* 3 & *P.* 1.

2 Whoſoever ſhall by any contemptuous words, or adviſedly in any other wiſe deprave, diſpiſe, or revile the bleſſed Sacrament of the body and blood of Chriſt, ſhall be impriſoned and fined at the Kings pleaſure, 1 *Ed.* 6. 1. & 1. *El.* 1. & *P.* Sacrament 1. & Juſtices of Peace 8.

3 If any Parſon, Vicar, or other Miniſter ſhall refuſe to uſe the Common prayers, or to miniſter the Sacraments according to the book of common prayer, or wilfully ſtanding in the ſame ſhall uſe any other form in open Prayers, or in adminiſtration of the Sacraments, or ſhall ſpeak anything in derogation of the ſaid book, or any part thereof, & ſhall be thereof lawfully convicted, he ſhall for the firſt offence forfeit to the King the profits of his ſpiritual promotion for a year, and be ſix moneths impriſoned

without bail: and for the ſecond offence be (*ipſo facto*) deprived of ſuch promotion, and be impriſoned a year: and for the third offence be (*ipſo facto*) deprived of ſuch promotion, and be impriſoned during his life. But if he have no promotion, then for the firſt offence he ſhall be impriſoned a year without baile, and for the ſecond offence during his life, 1 *El.* 2. & *P.* Sacrament 2. & 3.

4 Whoſoever ſhall in any play, ſong, or ryme, or by any open word ſpeak in derogation of the ſaid book, or of any thing therein contained, or ſhall cauſe or maintain any Parſon, Vicar, or Miniſter to ſay any common prayer, or to miniſter any Sacrament in other manner then after the ſaid book, or ſhall interrupt any Parſon, Vicar, or Miniſter to ſay any open prayers, or to adminiſter any Sacrament, according to the ſaid book, and ſhall be thereof lawfully convicted, ſhall forfeit to the King for the firſt offence 10*c.* Marks, to be paid within ſix weekes, and in default of ſuch payment to be impriſoned ſix moneths without bail; and for the ſecond offence 40*o.* Marks to be payd within the ſaid term, or to ſuffer impriſonment twelve moneths without bail; and for the third offence all his goods and Chattles, and be impriſoned during his life. 1 *El.* 2. *P.* Sacrament. 4.

Such

5 Such offenders ſhall be indicted at the next generall Seſſions after the offence committed, *Ibid. & Poulton 6.7.*

6. Alſo if ſuch offenders ſhall be puniſhed by the Ordinary, and have a Teſtimonial thereof under his Seal, they ſhall not be eftſoones puniſhed by the Iuſtices. *Ibidem, & Poulton 9.*

Saying or ſinging Maſs

7. Whoſoever ſhall ſay or ſing Maſs, or ſhall be thereof lawfully convicted, ſhall forfeit 200 Marks, and be impriſoned a year, and from thence till he pay the ſaid forfeiture; and whoſoever ſhall willingly hear Maſs, ſhall forfeit 100 Marks and a years impriſonment, 23 *El.* & P. Sacrament 1.

Licences to ſick perſons

If any Parſon, Vicar, *&c.* ſhall grant a Licence for eating Fleſh to any perſon, other then ſuch as plainly appear to have need thereof, ſuch licence ſhall be void, and ſuch Parſon or Vicar ſhall forfeit for every ſuch licence otherwiſe granted, five Markes, 5 *El.* 5. & P. Fiſh dayes, 3.

If any Parſon, Vicar, or Curat ſhall take above 4d. for entring into the Church book the licence of a ſick perſon to eat fleſh upon fiſh daies, it is extortion, 5. *El.* 5, & P. Fiſh dayes, 3.

If any Parſon, *&c.* ſhall take above 12 pence for regiſtring a teſtimonial for a ſervant departing from one place to another, it is extortion, 5. *El.* 4 & P. Fiſh dayes 7.

If the Miniſter of every Pariſh ſha
not keep a Regiſter-book, and there
enter the ſubſtance of every Teſtimon
al made for Rogues whipped within h
pariſh, he ſhall forfeit for every defa
5s. 39. *El.* 4. & *P.* Vagabonds 3.

The duty of parſons, *&c.* in bindi
out Apprentices, and in imployin
the money given to ſuch uſes, 7 *Jac.*

Priſon and Priſoners.

Gaolers handling their priſoners ſtraitly.

1. IF any keeper of priſon, or unde
keeper ſhall by dares or pain co
pell any his priſoners to become an a
prover againſt his will, he ſhall be a
judged a Felon, 1 *Ed.* 3. 10. & *P.* 3.

2. Whoſoever having authority
keeping of Gaols, or of priſoners for
lony, ſhall certifie the names of ev
priſoner in his keeping, and of ev
perſon to him committed for any ſ
cauſe, at the next general Gaole-d
very in every County or Franchiſe wh
any ſuch Gaole is, upon pain to for
to the King for every default 51.3 *H.*
3. & *P.* 3.

Relief of priſoners.

3. The moſt part of the Juſtices
Peace of every ſhire may at their ge
ral quarter Seſſions rate and tax ev
pariſh within the ſaid ſhire at ſuch
ſonable ſummes of money for and

wards the relief of priſoners in the com-
on Gaole of the County aforeſaid, as
hey ſhall think convenient by their
diſcretions, ſo that the ſaid taxation do
ot exceed above ſix pence, or eight
ence by the week out of every pariſh,
4 El. 5. & P. 4.

Relief of priſoners in the Marſhal-
ey and Kings-Bench, *vide P.* poore,
1.

4. Breaking of priſon by one being
n there for Felony, or by any under Ar- Breaking
eſt for Felony, as well without priſon priſon.
s within, is Felony, 1 *Ed.* 2. & P.
5.

5. If any Sheriff or Bayliffe ſhall Eſcape, re-
illingly ſuffer any priſoner for Felo- ſcues.
y to eſcape, or if any ſhall reſcue ſuch
priſoner, it is Felony: *vide Dalton*, fol.
38, 239.

6. A priſoner ſhall be conveyed to
he Gaole at his own charge, if he have
bility; if not, the Pariſh ſhall be char-
ed, 3. *Jac.* 10. & *P.* 7. & 8.

A priſoners goods ſhall not be ſeiſed,
ll he be attained, *P.* Sheriffes 14.

Removing of priſoners, ſee remo-
ing.

7. No Juſtice nor Juſtices ſhall let Bayſment of
o bail any perſons forbidden to be priſoners.
ailed by the Statute 3 *Edw.* 1. upon
in to be fined by Juſtices of Gaole-
livery, 1 & 2 *P.* & *M. P.* Juſtices of
ace, 10.

Persons not bailable.

8. No prisoner which before was outlawed, nor he which hath abjured, nor any approver, nor he which is taken with the manner, nor he that hath broken prison, nor a thief openly defamed and known, nor he which is appealed by an approver, so long as the approver liveth, except he be of good fame, nor he which is taken for burning of a house feloniously, or for false money, or for counterfeiting the King's Seal, nor any excommunicate person taken at the Bishops request, nor he which is taken for a manifest offence, or for Treason touching the King, 3 Ed. 1. 15. not he which shall confesse a Felony or Manslaughter before the Justice upon his examination, *vide* Dal. fol. 285. where baile is taken away by particular statutes for misdemeanours.

9. Such as be indicted of Larceny by Enquests taken before Sheriffes or Bailiffes by their office, or of light suspition, or for petty Larceny, that amounteth not to the value of 12d. if they were not guilty of some Larceny before, or guilty of some receiving Felons or Theeves, or of commandment or force, or of aid in Felonies done, or guilty of some other trespasse, for which one ought not to lose life or member, and a man appealed of an approver, if he be no common thief nor defamed, shall be let to baile by sufficient

sureties

ſureties, 3 *Ed.* 1. 15. & P. Mainpriſe. 2.

It ſeemeth alſo by *Dalton*, that perſons taken upon ſuſpition of Burglary, Robbery, or Theft, if they be not of evil fame, and alſo Acceſſaries, may be let to baile, *vide Dalton*, folio 14.

10. Whoſoever ſhall withhold priſoners baileable, after they have offered ſufficient bail, ſhall pay a grievous fine to the King; and whoſoever ſhall take reward for the deliverance of ſuch, ſhall pay double to the priſoner, and be amerced as aforeſaid, *W.* 1. 3. *Ed.* 15. & P. mainpriſe, 6.

One Juſtice of the Peace may baile a priſoner, if it be not in caſe of Felony, or the like, or except ſome particular Stat. ſhall otherwiſe preſcribe, *Dalt.* fol. 33.

No perſon for Manſlaughter or Felony, or ſuſpition of either being bailable by Law, ſhall be let to baile or mainpriſe by any Juſtice of the peace, if it be not in open Seſſions, except it be by two Juſtices of the peace at the leaſt preſent together at the ſame time of bailment, whereof one to be of the *Quorum*, who before ſuch priſoner be bailed, ſhall alſo take the examination of the priſoner, and information of them that bring him, of the fact, and circumſtances thereof in writing,

which together with the Bailment they shall certifie under their hands at the next Goale delivery, upon pain to be fined for every offence by the Justices of Gaole delivery, 1 & 2 P. & *M.* 13 & P. Just. 106.

Purveyors.

1. Purveyors shall agree for the things they take, and shall shew their Commission, upon pain to lose their offices, 28 *Ed.* 1, 2. & P. 3.

Taking reward, &c.

2. If any Purveyor shall take any thing of any man to the end to spare him, and be thereof attainted at the parties suit, he shall yield up to the party grieved treble damage, and be two years imprisoned, 36 *Ed.* 3. 3. & P. 14.

By what measure Purveyors shall take.

3. If any Purveyors shall take Corn by any other measure then by the stricked Bushell, or by any other then eight such Bushels to the Quarter, or shall take cartage therefore without making ready payment, he shall forfeit to the party grieved, and be one year imprisoned, 25 *Edw.* 3. 14. & *Poulton* 16.

4. If any Purveyor of the King shall take any thing of the value of forty shillings or under without ready payment,

payment, he shall pay the value to the party grieved, and lose his office, 2 *H.* 4. 14. & P. 22.

5. If any Purveyors of Timber shall fell for the Kings use any oaken timber tree meet to be barked, but onely in barking time, other then trees for building or repairing of the Kings houses or ships; or shall take any profit by the lops, tops, or bark of any trees taken by him, or shall take from the owner any more of any tree then onely the timber of the same tree; he shall forfeit for each, *&c.* to the party grieved 40 s. 1 *Jac.* 22. & P. Leather, 24. When Purveyors shall fell timber.

6. Purveyors shall not fel trees growing about a mans house, upon pain to forfeit to the party treble damages, be imprisoned a year, and lose his Office, 25. *Ed.* 6. & P. 8.

To make Purveyance without warrant, 28 *Ed.* 1, 2. 20. *R.* 2. 5. & P. 9. Felony in Purveyors.

To take more sheep before sheare time then be sufficient, 25 *Ed.* 3. 15. & P. 9.

To make purveyance without lawfull appraisment, 5 *Ed.* 3. 2. & P. 17.

To take more then they deliver to the Kings house, 36 *Ed.* 3, 4. & P. 18.

To take Purveyance in other manner then is compriſed in the Commiſſion, 36 *Ed.* 3. 2. & P. 19.

Note that the Juſtices of the Peace Note.

shall deliver the Dockets of Purveyors to them delivered, according to the Stat. 2 & 3 P. & M. 6. & P. 28.

Charter. No subjects Charter shall take any thing against the owners will, upon pain of imprisonment, 23 H. 6. 14. & P. 1.

But now by the new Statute of 14 Car. 2. all these former Laws about Purveyance are taken away. And if any of the Kings Officers force any thing in this, a Justice upon complaint may send him to Gaole. And the King, Queen and their Children are to be supplied with Cariages, and by the care of the Justices of the place where they are to go for their money. See the Statute.

Rape.

Ravish a Maid, &c. 1. IF any shall Ravish a Maid, Widdow or Wife, above ten yeares of age against her will, though she consent after, it is Felony, 13 Ed. 1. 34. & P. 1.

Abusing children under ten yeares, 2. If any shall carnally know and abuse a woman-childe under ten years of age, though she consent before, it is also Felony and without Clergy, 18. El. 6. & P. 2.

Taking a woman against her will, 3. If any shall take a Maid, Widdow or Wife, having lands or goods,

&c.

or being heire apparent, to any, againſt her will unlawfully, other then his Ward or Bondman, it is Felony both in him, and the procurers, Abettors and Receivers knowing the ſame. 3 *Hen.* 7. 2. & *Poulton*, Women 12.

Recuſants, Jeſuites.

Jeſuites.

1. WHoſoever ſhall willingly receive, relieve, comfort, aid or maintain any Jeſuite, Seminary Prieſt, knowing him to be ſo, ſhall be adjudged a Felon, and not have Clergy, 27. El. 2. & P. Juſuites 3.

2. Whoſoever ſhall conceale his knowledge of them, and ſhal not within 12 dayes after ſuch knowledge diſcover the ſame to ſome Juſtice of Peace, or other high Officer, ſhall be fined and impriſoned at the Kings pleaſure. And if ſuch Juſtice, or other ſuch Officers ſhall not within 28. dayes after give information thereof to ſome of the Kings privy Councel, he ſhall forfeit 200. Marks, 27. El. 2. & P. 10.

Keeping a Recuſant in his houſe.

3. Whoſoever ſhall willingly retain and harbour any perſon not repairing to ſome Church, Chappel, or uſuall place of Common prayer, to hear divine ſervice, by the ſpace of a Moneth together,

not

nor having a reasonable excuse, other then his Father or Mother, not having other sufficient maintenance, or the Ward of any such person, or any person committed to the custody of any by authority, or shall retain, or keep in service fee, or livery, any not repairing to some Church, &c. by the space of a moneth together, shall forfeit for every moneth 10 l. 3. *Jac.* 4. & P. 51.

Keeping Schoolmasters

4. Whosoever shall keep or maintain any Schoolmaster, which resorteth not to the Church, nor is allowed by the Bishop or Ordinary of the Diocess, he shall forfeit for every moneth so keeping him 10 l. And such Schoolmaster shall be imprisoned for a year without bayle, and be disabled, &c. 23. El. 1. & P. 2.

Abjuration.

5. A Recusant not conforming himself, shall abjure the Realm; and the Justices before whom such abjuration is made, shall presently record the same, and certifie it to the Justices of Assize at the next Assizes after 35. El. 1. & P. 19.

Popish Reliques;

The penalty for a conformed Recusant which shall not receive the Sacrament, &c. See 3. *Jac.* 4. & P. 40.

Popish Reliques shall be defaced at the general Sessions of the Peace, 3. *Ja.* 5. & P. 74.

The penalty of such as come not to Church

Church every Sunday and Holyday, ſee Church 3 & P. 50.

Felony in Recuſants, ſee *Poulton* 19. 31.

Removing Priſoners or Records.

ALL Writs of *Habeus Corpus*, or *Certiorari*, to remove any Record, or any priſoner out of any Gaole, muſt be ſigned with a Juſtices hand of the ſame Court. 1 & 2 P. & M. 13. & *Poult.* 1.

Reſcues.

WHoſoever ſhall diſturbe or hinder by Reſcues or otherwiſe the execution of the Statute of Rogues, or of the Poor, ſhall forfeite for every offence 5*l.* and be bound to the good behaviour. 39 El. 4. & P. Vagabonds 5.

To reſcue one for Felony, is Felony. *Dalt. f.* 238, and 239.

Reſti-

1. IF any Felon of goods, money, or chattels taken from any of the Kings ſubjects, ſhall be indicted, arraigned and found guilty thereof, or otherwiſe attainted, by reaſon of evidence given by the party robbed, or the owner of the ſaid goods, money or chattels, or by any other by their procurement, then ſhall ſuch party or owner be reſtored thereunto, and the Juſtices before whom ſuch finding guilty is, ſhall have power to award writs of Reſtitution thereof. 21 *H*, 8, 11. P, & 1 *vide plus Dalton f.* 185.

Taking ſtoln goods again.

2. If a man purſue and take a Felon that hath ſtolne his goods, and then taketh his goods again, and ſuffereth the Theif to eſcape, he is no acceſſary; for he may *in initio agere civiliter* or *criminaliter* at his pleaſure; *tamen quære*.

But if he take his goods again to favour the Felon, it is Theft; but *quære* if it be not Felony; *& vide* Termes of the Law, *f.* 184.

If upon Huy and Cry a man do arreſt a Theife that hath ſtoln another mans goods, and from the ſaid Felon doe take the goods and ſo let him goe, this maketh him an acceſſary, if not principall, *Dalt* 253.

Receiving

Receiving or buying ſtolne Goods.

TO receive or buy ſtolne Goods, knowing they were ſtolne, maketh not an acceſſary, unleſs he receive or aide the Felon himſelf; *quære & vide Dalt. Ibid.*

If a ſtranger buy ſuch goods for a valuable conſideration, it is leſs dangerous, *ibid.*

Riots, Routs, and unlawfull Aſſemblies.

THE Juſtices of peace which dwell neareſt in every County where Riot ſhall be, together with the Sheriffes, or Underſheriffes of the ſame County ſhall do execution of the Statute of Riots, within a moneth after every one, upon pain of 100 *l.* 13 *H.* 4. 7. & P. 2. & 5. The forfetures of the Juſtices which do not execute this Statute.

Note that the King ſhall bear their coſts ſuſtained in the execution thereof, 2 *H.* 5. 8. & *P.* 10.

In Riots, Routs, and unlawfull Aſſemblies, theſe circumſtances are to be conſidered, *viz.*

1. The number of the perſons aſſembled.

2. The

2. The intent and purpose of their meeting.

3. The lawfulness or unlawfulness of the act.

4. The manner or circumstance of doing it.

The number which make a Riot, &c.

To make a Riot, Rout, or unlawfull Assembly, three persons at the least must be gathered together.

What makes an unlawfull assembly.

If three or more shall come or assemble themselves together to the intent to do any unlawfull act with force or violence against the person of another, his possessions or goods, although they after depart of their own accord without doing any, yet that is an unlawfull Assembly.

Rout.

If after their first meeting they shall ride, goe, or move forward towards the execution of any such Act, this is a Rout.

Riot.

And if they do execute any such thing indeed, then it is a Riot.

Arrest Rioters.

2. If any Riot, Rout, or unlawfull Assembly be made, three or two Justices of the Peace at the least, and the Sheriffe or Undersheriffe shall arrest the offendors, and record that which they shall finde done in their presence against the Law; and such offendors shall be convicted by the Record, in manner and forme as it is contained in the Star. of forcible Entries. 17. *R.* 2. 8. 13 *H.* 4. 7 *&P.* See forcible Entries, 1.

3. If

3. If ſuch offenders be departed before the comming of the ſayd Juſtices and Sheriffe, they ſhall diligently enquire within a moneth after, and the ſame ſhall hear and determine according to the Law. Enquire of Riots, &c.

And if the truth cannot be found, then within a moneth next after they ſhall certifie before the King and his Councel of the whole fact and circumſtances thereof. 13 *H.* 4. 7. & P. 2. & 3. Certifying of a Riot.

Note alſo that if the offendors ſhall traverſe the matter ſo certified, the ſame Certificate and Traverſe ſhall be ſent into the Kings-bench to be tryed, *ibidem.*

4. Rioters attainted of great and heynous Riots ſhall have one years impriſonment, as the King and his Councell ſhall think good. 2 *H.* 5. 8. & P. 10. The punishment of Riots.

5. Each man being able to travell, ſhall help to repreſs Riots, upon pain of impriſonment and fine. 2 *H.* 5. 8. & P. 12. Each man ſhall help to repreſs Riots.

6. The Sheriffe having a precept directed to him, ſhall returne twenty four perſons, dwelling within the ſhire where the Riots, &c. ſhall be committed, whereof every of them ſhall have Lands and Tenements within the ſaid ſhire, to the yearly value of 20*s.* of Charter land or Freehold, or 26*s.* 8*d.* A Jury to enquire of Riots, &c.

of

of Copyhold, or of both above all charges, to enquire of the said Riot, &c. and shall returne upon every of them in issues at the first day 20 s. at the second day 40s. under the pain of 20l. 19 H. 7. 13 & P. 14.

Maintainance whereby a Riot is not found.

7. If by reason of Maintainance or Embracery of Juro's, a Riot, &c. is not found, the Justices and Sheriff besides such certificate that they be bound to make according to the said Stat. 13. H. 4. shall in the same certificate certifie the names of the Maintainers & Embracers, with their misdemeanours, upon pain to forfeit 20l. and imprisoned at the discretion of the Justices. 19 H. 7. 13. & P. 15.

Unlawfull assemblies.

8. If any persons above the number of two, and under twelve, being assembled shall intend unlawfully with force to murder or slay any man, or to cut, or cast down any inclosure or banks of any fish ponds, or to doe any the deeds mentioned in the Statute hereafter named, and shall not depart upon proclamation, but shall attempt to do any of these things, they shall be imprisoned a year without bayle, and pay treble damages and costs to the party grieved, 1 M. 12. 1 Eliz. 16. & Poulter 20.

Disclosing a commotion wherein one is moved.

9. If any person being moved to make a commotion, or insurrection, or rebellious assembly, shall not within twenty

wenty foure houres after diſcloſe the ſame to a Juſtice of Peace, or to a Sheriffe; or if any perſon ſhall ſtir or procure any other to make ſuch aſſembly, he ſhall be three moneths impriſoned without bayle, unleſs he ſhall be diſcharged by three Juſtices of the peace, whereof one to be of the *Quorum* of the ſame ſhire where the offence ſhall be committed. 1 *M.* 12. 1 *Eliz.* 16. & P. 24. 30.

10. The raiſing of unlawfull aſſemblie, to the number of twelve or forty, and not to depart within an houre, being commanded by proclamation, and alſo the relieving of any ſuch perſons, is felony. 1 *M.* 12. 1 *El.* 16. & P. 17, 18, 19, 28, 31. Rebellious aſſembly.

Robbery, Theft.

1. THeft is the taking away of another mans goods with an intent to ſteale them againſt the will of the owner, and is of two ſorts, Robbery and Larceny. *Dalton ſ.* 224. Theft.

2. Robbery is the felonious taking of any thing from the perſon of another, or in his preſence againſt his will, and putting in feare thereby, and for which the offendor ſhall ſuffer death without Clergy, *Dalton ſ.* 229. Robery.

3. Robber

Hig hway. 3. Robber in or neare the highway, ſhall not have Clergy, how much, or how little ſoever they take away. 1 Ed. 6. 2. & P. Clergy 131.

Houſe. Nor he which robbeth any houſe by day or night, any perſon being in the ſame, or thereby put in feare; nor he which robbeth any perſon in any part of his dwelling, the owner, his wife, children, or ſervants ſleeping or waking within the precinct thereof.

Tent or booth. Nor he which robbeth a Tent or Booth in Faire or Market, the owner, his wife, children, or ſervants being within the ſame.

Robbing any part of a houſe by day, of the value of 5s. Nor he which robbeth any dwelling houſe or outhouſe thereto uſed, in the day time (though no perſon were therein) of the value of five ſhillings, or above.

Church or Chappell. Nor he which doth felonioufly take goods out of any Church or Chappell: ſee P. Clergy 13.

For the preventing of Robbery and Theft, upon the North borders of *England*, upon 14 *Car.* 2. See the Statute.

Rome.

AGainſt ſuch as maintain the Authority of the Biſhop of *Rome*, ſee 5. *Eliz.* 1. & *P.* 1. 2. Againſt

2. Againſt ſuch as give or take abſolution by any Bulls from *Rome*, or ſhall obtain or get from the ſaid Biſhop any manner of Bull, writing, or other inſtrument, or ſhall bring into this Realm any tokens or things called by the name of *Agnus Dei*, or any Croſſes, Pictures, Beads, *&c.* and their Ayders, ſee 13. *El.* 2. & P. 2. 3, 4, & 5.

3. Againſt ſuch as withdraw any from their obedience to the King, and their Ayders, ſee 31. *Eliz.* 1. & *Poulton* 7. & 8.

4. Againſt ſuch as extoll any forraign power, &c. ſee 1 *El.* 1. & 5 *El.* 1. & P. Crown. 2. 6, 7, 8.

5. Againſt ſuch as depart out of the Realm to ſerve any forraign Prince. 3 *Wac.* 4. *Poulton*, Recuſants 48.

Service and Sacraments.

FOr Prayer and Sacraments, and Common Prayer, and comming to Church, See 1 *Ed.* 6. 1. 2. and 3. *Ed.* 6. 1. 5. & 6. *Ed.* 6. 1. 1 *M.* 3. 1 *Eliz.* 2. 5 *Eliz.* 18. 3 *Jac.* 1.

THe Juſtices of peace in their quarter Seſſions may adminiſter the oath to any Commiſſioner of Sewers according to the Stat. 23 *H.* 8. 5. & P. 3. & 4.

Six Juſtices of the peace, two of them being of the *Quorum*, may for a whole yeare after expiration of a Commiſſion of Sewers, execute the Lawes of the Commiſſioners of Sewers, unleſs that a new Commiſſion of Sewers be publiſhed within the yeare. 13 *El.* 9. & P. 16.

Sheep.

Tranſporting ſheep.

1. WHoſoever ſhall bring, ſend, or receive into any ſhip or bottome any Rammes, Sheep or Lambes being alive, to be conveyed out of the Kings Dominions, or procure the ſame, ſhall for the firſt offence forfeit all his goods for ever to the King and Informer, and be impriſoned one year without bayle, and then in ſome open Market, in the fulneſs of the Market on the Market day have his left hand cut off, and the ſame to be nailed up in the open place of ſuch Market. And for the ſecond offence it is Felony. 8 *El.* 3. & P. 1, & 2, & Juſt. 15.

2. No perſon ſhall keep above 2000 ſheep, reckoning after ſixſcore to the hundred,

hundred, upon pain to forfeit for every sheep more 3s. 4d. to the King and Informer. 15 H. 8. 13. & P. 3. & Just. 85.

Sheriffes.

1. IF a Sheriffe or any of his Ministers doe levy the Kings debts, which by force of the Green Wax shall be shew to the party indebted the Estreat sealed, and Tot the same which is payed whereby the debt is another time demanded of the same person, he shall pay to the party grieved his treble damages, and make fine to the King, 42. Ed. 4. 9. & P. Estreats 1. & Just. 88. Estreats the party, and sealed.

2. If any Estreats of Issues hath been gathered of any person, other then such as by vertue of the said Estreate was of right chargeable or charged therewith, the offendor shall forfeit to the King five Markes, and as much to the party grieved. 27 El. 7. 39 El. 18. & P. Jurors 34. & Just. 99.

3. In every Estreats of Issues against a Juror, his addition shall be put, *ibidem.*

4. Justices appointed to oversee the Sheriffes Estreats, shall be named at the generall Sessions after the Feast of Saint *Michael* by the *Custos Rotulorum*, &c in his absence by the Eldest of the

Quorum

Quorum. 11 *H.* 7. 15. & *P.* Sheriffes 18 & 20.

Juſtices ſhall view the Sheriffs Eſtreats.

5. Sheriffes ſhall make no Eſtreats untill two Juſtices have had the view of them, which Eſtreats ſhall be indented, and the Juſtices have one part. 11 *H.*7. 15.& P.14. 18.20.

Indictment taken in the Sheriffes Turn, ſhall be delivered to the Iuſt. of Peace.

6. Sheriffes muſt certifie the Indictments found in their Turn or Law-day to the Juſtices of peace at the next Seſſions of the peace in the County, under the pain of 40*l.* 1 of *Ed.* 4. 2. & *P.* 12.

The Juſtices ſhall award Proceſs againſt thoſe which be indicted in the Sheriffes Turn. *Ibid.* & *Poulton* 13.

Extortion in Sheriffes, ſee P.5,6, &c.

Spice.

WHat Spice is to be ſold, See 1 *Jac.* 19.

Subſidie.

IF any perſon that ought to be ſet to the Subſidy, ſhall by craft or covin eſcape taxation, and that be proved before two Iuſtices of the peace of the County, he ſhall be charged double ſo much as he ought to have been, and be further

ther punished at the discretion of the id Justices, 7 *Jac.* 22.

Swannes.

IF any person, or other to his use shall have or possesse any mark or game Swannes of his own, not having freehold of five Markes *p.r annum* above all charges, any other subject having Lands of that value may seize the said Swans, as forfeited to the King and himself, 22 Ed. 4.6. & P.1. The penalty for taking or destroying Swans Eggs in their nest, see Pheasants, &c. & P. Hawks. 3. & 11. *H.7*

Swearing or Cursing.

HE that sweares or curseth profanely, forfeits, 12d. by 21. *Jacob.*

Tile-makers.

IF Tile-makers shall not digg and cast up their earth for Tile til after

The preparation of the earth for making tile.

the first of *November*, or shall not stir and turn it till the first of *February* following, or shall not work it before the first of *March* following, or shall not work and try it from stones, veines and chalke, or shall make or put to sale any plain Tile under ten inches and a half in length, six inches and a quarter in the breadth, and half an inch and a quarter in thickneſſe, or rough tile under thirteen inches in length, and half a quarter in thickneſſe, with convenient deepneſſe; or any gutter tile under ten inches and a half in length, with a convenient thickneſſe, breadth and deepneſſe, they shall lose the double value to the buyer, and a fine to the King, that is to say, for every hundred of plain tiles, five shillings; for every hundred of rough tiles six shillings eight pence and for every hundred of corner tiles two shillings, and after that rate for more or lesser, 17 Edw. 44. & *Poul.* 1, 2,

The length, breadth, & thickneſſe of tile.

Searchers of tile.

2. If the Searchers appointed for the oversight of the true making of tile shall not do their effectuall diligence therein, they shall lose for every default ten shillings, *Ib.* and *Poul.* 5. & Just. 97

To

IF any Miller ſhall take exceſſive Toll, or by heaped meaſure, he ſhall be grievouſly puniſhed, 3 Edw. 1 & P. 2

Toll for Horſes, ſee Faires.

Tongues, Eyes.

TO cut out the Tongues, or put out the Eyes of any of the Kings liege people, out of malice prepenced, is felony, 5 *Hen.* 4. 5. & P. 1.

Tranſportation and Importation.

THe prohibition of tranſporting of Corn, is to be made by the moſt part of the Juſtices of Peace at their Quarter Seſſions, 13. Eliz. 13. & P. Corn 7.

Whoſoever ſhall againſt Proclamation thereof made, tranſport or carry out of this Realm any Corn, Grain, or Malt, growing or made here; or any Cattle, Butter, Cheeſe, or Wood, in any veſſels, except to *Barwick*, or the Marches thereof, without ſufficient authority, or any ſea fiſh, or Herrings not taken by a naturall borne ſubject here; or ſhall by any means convey, or

willingly consent to convey any of the said things to any vessell being on the sea, or any place or haven of this Realm to be transported over sea, or into *Scotland*, without sufficient authority; or if any person having licence to convey any of the said things, shall fraught or laid his vessell, or any part thereof, at any more places then one onely, that owner of the vessel shall lose it, the owner of the victuall shall loose the double value, and the Master and Mariners their goods, and have a years imprisonment, 1 & 2. Ph. & M. 5. 13. Eliz. 11. & 13. & *Poulton* Corn, 1 & Just. 27.

He that hath licence to transport corne, shall lade it in one place

3. It is lawfull to transport Corne and Grain, when the prices be allowed reasonable untill it be restrained again by the Kings proclamation, 1 *Jac.* 25. & P. 6, 7, 8.

Lawfull to transport Corn and Beer.

4. So may Beer be transported when Mault is not above sixteen shillings the quarter, 3 *Jac.* 11. & P. Corne 6.

5. Forraign Bonelace, Cutwork, Imbroydery, Fring, Bandstrings, Button and Needlework, may not be imported into this Realm, nor sold here; the pain of 5l. for every sale and importation, and 100l. for every Importation 14 *Car.* 2.

6. To export sheep, wool, woolfells, mortlings, shorlings, yarne made of wool, woolflocks, Fullers earth, Fulling clay and

and Tobacco pipes, is felony by 14. *Car.* 2.

7. He that ſhall Import corrupt Madder into this Realm, ſhall forfeit it, by 14. *Car.* 2.

None may bring in Silk into this Realm, on pain to forfeit it, 19 *H.* 7. 21.

8. None may import forreign Woolcards, Card-wire, or Iron-wire, in pain to forfeit, or the value of it, 14. *Car.* 2.

Traverſe.

1. THe liberty of Traverſe is commonly reſtrained to Indictment of Treſpaſſes, Contempts, Riots, and other inferiour offences.

2. To Traverſe an Indictment, is to take Iſſue upon the chief matter thereof, which is none other to ſay, then to make contradiction, or to deny the point of the Indictment; As in a preſentment againſt *A.* for a Highway overflowing with water for default of ſcouring a ditch, which he and they whoſe eſtate he hath in certain land there, have uſed to ſcoure and cleanſe. *A.* may traverſe either the matter, *viz.* that there is no highway there, or that the ditch is ſufficiently ſcoured, or otherwiſe he may traverſe the cauſe, *viz.* that he

hath not the land, &c. or that he or they whose estate, &c. have not used to scoure the ditch, &c.

Treason.

High treason.

1. HIgh Treason called in Law *Crimen lesæ Majestatis*, is a grievous offence done or attempted against the State Royal, *viz.* against the King in his person, the Queen his Wife, his Children, Realm, or Authority, &c. See more P. 1. &c. & *Dalton* fol. 198.

The punishment:

Such Offenders shall be hanged, cut down alive, and quartered, and shall forfeit all his Lands and Goods to the King, yea his entailed Lands, and his wife shall lose her Dower, and his blood shall be corrupted, saving in certain cases, *vid. Dalt.* fol. 205.

Premunire.

In case of Premunire the offender shall forfeit all his Lands in Fee for ever, and all his Goods and Chattles to the King; but his Lands whereof he hath an estate, he shall forfeit onely during his life, and shall be imprisoned during his life, *Ibid.*

Misprision.

Misprision is properly when one knoweth that another hath committed Treason or Felony, but was not consenting thereto, and conceals the offence.

Such

Such offender for Misprision of Treason, shall forfeit to the King his Goods and Chattles for ever, the profits of his Lands during his life. *Dalton* 103. For Misprision of Felony, the offender shall be onely fined. *ibid.* The punishment.

3. Petty Treason is when wilfull Murder is committed upon any subject by one that is in subjection, and oweth faith, duty, and obedience to the party Murdered. *Vide* Petty Treason, folio 12. 6. Petty treason.

The punishment for petty Treason is this, the man so offending shall be drawn and hanged; the woman shall be burned alive, in case as well of petty Treason, as of high Treason, 1 *Ric.* 3. 4. But in case of Felonies, the Judgment both of man and woman is to be hanged. The punishment.

The forfeiture of petty Treason is, the King shal have all his goods, and for his lands, the King shall have *Annum diem & vastum*, and the Escheat thereof shall be to every Lord of his own proper fee. The forfeitures.

Treasurers.

1. THe Treasurers of the County are to be chosen at Easter Sessions by the more part of the Justices, and are to be such as at the last taxation of the

Subſidy next before the ſaid Election were valued and aſſeſſed at 10. l. in lands yearly, or 40. l. in goods, and ſhall continue but one year, and then give up their charge and account at Eaſter Seſſions, or within ten days after. And if any Treaſurer, his Executors, or Adminiſtrators ſhall faile to give up his account within the time aforeſaid, or ſhall be otherwiſe negligent in his charge, then it ſhall be lawful for the more part of the Juſtices in their Seſſions to aſſeſſe ſuch fine upon him, his Executors, or Adminiſtrators, as in their diſcretions ſhall ſeem convenient, ſo it be not under 5 l. 43. Eliz. 3. & P. Capt. 18.

2. The Treaſurer ſhall aſſeſſe relief to Souldiers or Mariners upon a lawfull certificate, and ſhall keep a true book of computation of the money they lent, and a Regiſter of the names of ſuch as they give relief unto. And every Treaſurer returning, or not accepting the Certificate brought unto him, ſhall write and ſubſcribe the cauſe of his not accepting, or not allowing thereof, under the ſaid Certificate, or in the back thereof. And if any Treaſurer ſhall wilfully refuſe to give reliefe according to this Act, the Juſtices in the Seſſions may fine ſuch Treaſurer by their diſcretions. 43. El. 3. & P. Captains, 19, 21, 22.

The

The ſurpluſage of the ſtock of the ſeare part of the Juſtices in their quarter Seſſions, be ordered, diſtributed, and beſtowed upon ſuch good and charitable uſes, and in ſuch form as are limited in the Statutes made in force concerning the relief of the Poore, and puniſhment of Rogues and Beggars, 43 El. 3. & P. Captains 24. See more P. Poor people 14, 15. The ſurpluſage of the ſtock.

How the Forfeitures ſhall be imployed, ſee 43. Eliz. 3. & P. Captains, 26.

Treſpaſſes.

WHoſoever ſhall cut, or unlawfully take away any Corn or grain growing, or rob any Orchards or Gardens, or break or cut any hedge, paiſes, raiſes, or fences, or digge, pull up, or take up any fruit tree or trees, in any Orchard, Garden, or elſewhere, to the intent to take or carry the ſame away; or ſhall cut or ſpoile any woods, or under-woods, poles, or trees ſtanding, not being Felony, and their procurers and receivers knowing of the ſame, being thereof lawfully convicted by the confeſſion of the party, or by the teſtimony of one ſufficient witneſſe upon oath before

a Justice of the Peace, &c. shall give the party such satisfaction as such Justice shall appoint, and within such time as he shall appoint, the same to be onely for the first fault. And if such offenders shall not be thought able to give satisfaction, then to be whipped, and also for every such offence after to receive the same punishment of whipping 43. El. 7. & P. 1.

A Constable refusing to punish such offenders, see Constables 10. & P. 2.

No Justice of peace, &c. shall execute this Statute for any of the said offences done to himself, unlesse he be associated and assisted by one or more Justices whom the offence doth not concern, 43. El. 7. & P. 3.

Vagabonds and Rogues.

Who shall be adjudged Vagabonds & Rogues.

SEe 39. Eliz. 4. 4. & P. 2. & 7. But note that that Act doth not extend to any children under seven years old.

All common Players of Enterludes and Glassemen shall be accounted Rogues 1 *Jac.* 7 & P. 2.

A servant taken with a counterfeit or forged Testimonial, or not procuring a Testimonial according to the Stat. 5. El. 4. shall be taken and punished as a Rogue: see P. Labourers 8.

A Souldier or Mariner begging, or counterfeiting a Certificate, shall be also accounted a Rogue, 34. El. 3. & P. Cap. 23.

And all such as wilfully goe abroad out of houses infected with the Plague, though they have no sore upon them, shall be accounted Rogues, and moreover be bound to the good behaviour for a year, 1 *Jac.* 31. & *Poulton* Plague 4.

And all able persons threatning to run away and leave their family upon the parish, the same being proved by two sufficient witnesses upon oath before two Justices of the peace, shall be punished as Rogues, unlesse they put in sufficient sureties for the discharge of the parish, 7 *Jac.* 4.

All such able persons as shall run away out of their parishes, and leave their families upon the parish, 7 *Jac.* 4. Who shall be adjudged incorrigible Rogues to be burned.

All such as appear to be dangerous to the inferiour sort of people, or otherwise be such as will not be reformed of their Roguish kinde of life by the former provision of this Act, shall be sent to the house of Correction, or Gaole of the County by two Justices, one of them being of the *Quorum* of that limit till the next Sessions, and then by the consent of the more part of the Justices in their open Sessions shall bee throughly burned in the left shoulder with an hot burning Iron of the breadth of

of two pence, with a great Roman R. upon the Iron, and then shall be sent to the place where they last dwelt, if they have any dwelling; if not, then to the place where they last dwelt for the space of a year; and if that cannot be known by their confession or otherwise, then to the place of their birth.

Who shall be adjudged a Felon.

And if after such punishment they offend again in begging or wandring contrary to the Law, they shall be adjudged felons, and not have Clergy, 39 *El.* 4. 1 *Jac.* 7. & P 4.

Rogues ought to be conveyed from parish to parish.

To send Rogues by a general Passe-port without conveying them from parish to parish, is a let to the conveying of Rogues according to the Stat. and so a forfeiture of 5 l. upon them, and to go with such a passe-port is but still to continue a Rogue to be punished by whipping, See the duties of Constables, fol. 25. 7.

Outlandish Rogues.

If any *Mauish*, *Scottish*, or *Irish* Rogue shall come into this Kingdome, he shall be punished as a Rogue, and conveyed to the next Port or Parish where he landed, 39 El. 4 & P. 16. See the Constables duty herein, Constables 18.

Every person shal apprehend a Rogue.

Every person shall apprehend such Rogues, Vagabonds, and sturdy Beggers as he shall see or know to resort to his house to beg or receive Alms, and him.

him ſhall carry or cauſe to be carried to the next Conſtable or Tythingman, upon pain to forfeit for every default 10ſ. 39 El. 4. & P. 5.

How theſe forfeitures ſhall be imployed, See 39. El. 4. & P. 11. See more Conſtables 7. How, &c.

Victuals and Victuallers.

1. IF any Victualler ſhall ſell, or offer to ſell any corrupt, or unwholſome Victuall, he ſhall be fined by the diſcretion of the Juſtices. 51 H. 3. Statute *Piſtorum*, Cap. 7. ſee more Butchers 3. 23 Ed. 3. 6. 12 R. 2. Corrupt Victuals.

2. If any Butcher, Fiſhmonger, Inholder, Tipler, Brewer, Baker, Poulterer, or other ſeller of Victuall's ſhall not ſell the ſame at reaſonable prices, and for moderate gain, he ſhall loſe the double value of that he received. 23 Ed. 3. 6. & P. 3. & 4. Victuals ſhall be ſold at reaſonable price.

3. Victuallers conſpiring for ſelling their Victuals, ſee Artificers, 1.

4. When and in what caſes Victuals may be tranſported, ſee 1. & 14 P. & M. 5. & Poulton 8. & Juſtices 27. & Corn 1. & 7.

5. See more to all this, 12 Ed. 2. 6. 31 Ed. 3. 10. 6 R. 2. Stat. 1. 9. 6 R. 2. 10.

10. 7 *R.* 2. 11. 13. *R.* 2. 8. 3 *H.* 8. 8. 25 *H.* 8. 2. & 3. *Ed.* 6. 15.

Upholsters.

WHat Fetherbeds, Bolsters, and Pillowes, Upholsters may sell, See 11 *H.* 7. 18. 5 and 6. *Ed.* 6. 23.

Usury.

Selling wares, and buying them again.

1. IF any person shall by himselfe or any other sell any Merchandise or Wares to any other, and shall within three moneths next after by himselfe or any other buy the same, or any part thereof again upon a lesser price, knowing them to be the same: Or if any person shall by any corrupt bargaine, Morgage, or other meanes, take in again above the rate of ten pound for a hundred pound for one years forbearance, and so after that rate more or less, he shall lose the treble value to the King and Informer, and be imprisoned and fined at the Kings pleasure. 37 *Hen.* 8. 9. & P. 1, 2, 3, 4. & 13 *El.* 8. 39 *El.* & P. 6, 7. 21 *Jac.* 17.

Nota.

He that taketh tenne pound or less in a hundred, shall forfeit the Interest onely

onely, 13 El. 8. 39 El. 18. & P. 8. & Juſt. 51.

But by 12 *Car.* 2. There is but 6*l.* in the 100*l.* to be taken on pain to loſe the treble value of the thing contracted for.

And the Broker is to have no more but after the rate of 5*s.* in the hundred pound and 12 *d.* for the Bond.

Wages.

WAges of Servants, See 5 *El.* 4. & P. Labourers 4, & Juſtices, 66. Wages of Knights of the Parliament, ſee 23 *H.* 6. 11. & P. Parliament, 32. & Juſt. 52.

Wages of Juſtices of the Peace, ſee 14 *R.* 2. 11. & P. Juſtices 6, 7. & 5 *El.* 4. & P. Juſtices 68.

Wages of Weavers and Spinſters, ſee Cloth 3.

Watch and Ward.

IF the Watch in every town be not kept from Sun ſetting, to Sun riſing, between *Aſcention* day and *Michaelmas* day, to arreſt Night-walkers and Strangers that paſs by in the night, the Conſtables

ſtables ſhall be fined by the diſcretion of the Juſtices. Stat. *Winton.* 13 Ed. 1. 3. & 5 H. 4. & P. 1, & 2.

Wax.

IF any perſon ſhall ſell, or ſhall ſet forth Candles, or other workes of Wax to ſale at higher prices then after the rate of four pence the pound over the common price of plaine Wax between Merchant and Merchant, hee ſhall be fined to the King, and ſhall forfeit his worke, or the value of it, 11 *Hen.* 6. 12. & *Poult.* 8. & Juſt. 42.

See more 23 *Eliz.* 8.

Weights and Meaſures.

LAwfull Weights, ſee *Poulton* 1, 2, 3, 4. 5.

None ſhall buy or ſell but with Weights & Meaſures ſigned and printed.

Whoſoever ſhall buy or ſell by unlawfull Weights or Meaſures, or ſhall buy or ſell in any City or Market with any Weight or Meaſure that is not lawfully marked or ſigned, the ſame ſhall be broken and burnt, and the offender ſhall loſe for the firſt offence ſix ſhillings eight pence; for the ſecond, thirteen ſhillings and four pence, and ſtand

on

on the pillory. 11 *H.* 7. 4. & P. 9. 10. & Just. 92.

Common weights.

If they of the town where the Kings Standard is apointed to remain, should not have their common Weights and Measures sign'd, or shall not have thereby signed Weights and Measures sold to all that have required the same, they shall be fined and amerced; and so shall the head Officers of Market townes, which shall not twice yearly make view and examination of Weights and Measures there. 11 *H.* 7. 4. & P. 7. & 10.

Officers shall view and examin weights.

Seale weights.

If any person shall take above one penny for sealing a Bushell-measure, or above one penny for sealing a hundred weight, or above a half penny for sealing half a hundred weight, or above a farthing for a less weight, he shall forfeit forty shillings. 7 *H.* 7. 3. & 11. *H.* 7. 4.

False weights.

Whosoever shall buy Corne by heaped measure in any place, except within ship-board, or shall use double measure, the one to buy, the other to sell with, he shall be grievously fined and imprisoned. 17. *Ric.* 2: *de Pistor.* & 11 *H.* 4.

Counterfeiters of weights.

All falsifiers of false Weights shall be imprisoned without bayle, till they be acquitted or attainted, and if they be attainted, their bodies shall remain in prison till they have made fine and ransome according to the Justices discretion

cretion, 9 *H.* 5. 8. & Pl. 13. & Justices 92.

There must be but one weight through all the Realme, and that according to the Standard; and he that shall buy or use any other, forfeits, 5*s.* to be levied by a Justices Warrant by distress and sale of goods. And if any Officer shall allow any weight or measure not agreeable to the Standard, he forfeits 3*l.* And if any such Officer take more then his Fee, or otherwise misdemeane himself in the Office, he loseth for the first offence 5*l.* for the second offence 10*l.* and for every offence after, 20*l.* 17 *Car.* 1. 19.

Wild-Fowle and their Egges.

Taking, or destroying the Egges of Wild-fowle.

WHosoever shall willingly withdraw, purloine, take, destroy, or convey any Eggs of any Wild-Fowl from any nest or place where they shall be layd by any kind of the same Wild-Fowle, between the first of *March*, and the last of *June* yearly, shall be imprisoned one whole yeare, and forfeit to the King and Informer for every Egge of any Crane or Bustard so destroyed or taken from any nest or place 20*d.* and for every Egge of every Byter, Heron, or Shovelard 8*d.* and for every

Egge

Egge of every Mallard, Teale, or other Wild-Fowle used to be eaten, a penny. 25 *H.* 8. 11. 3 *Ed.* 6, 7 & P. 1. & Just. 91. *& vide plus.* Pheasants, 3.

Wines.

1. Such as sell Wines in gross, contrary to the prizes assessed, shall forfeit for every vessell so sold forty shillings. 28 *H* 8. 14 & P. 2. & Just. 54.

2. If any person authorized to sell Wine by retaile, shall sell the same above the prices thereof limited by the Kings Proclamation, if there have been any, and shall be convicted within a yeare after, he shall lose for every Gallon 3*s.* 4*d.* and so after that rate. 23. *H.* 8. 14. & 5 *Eliz.* & P. Just. 94 95.

3. If any shall deny to sell VVines at the prices assessed, they shall forfeit the value of the Wine so desired to be bought, and the Justices may upon request enter and sell the same desired to be bought, according to the prices set down, and take the buyers money towards the satisfaction of the forfeiture. 24 H. 8 6 & P. 3 4

Denying to sell Wine at the prices assessed.

4. For the Rates and goodness of Wines. See 37 H. 8. 23. 7 *Ed.* 6. 5. 12 *Ed* 4. 8.

5. For

5. For the ſale of Wine, Statute of *Glouc.* 15. 16 *Ed.* 3, 4 *Ed.* 3. 12. 27 *Ed.* 3. Stat. 1. *Cap.* 5.

Woods.

IF a Lord or owner of Woods or under-Woods, and the Tenants or Inhabitants (having Common therein) cannot agree in dividing the fourth of the ſaid Wood, but ſhall deſire the aid of the Juſtices of the peace of the ſame ſhire where the wood lieth, the more part of ſuch Juſtices (not being akin to the ſaid Lord or owner) ſhall ſever and ſet out the ſaid fourth part of ſuch wood. 35 *H.* 8. 17. & P. 8. 9. 13. *Eliz.* 25.

2. For conveying wood into Fuell. See 1. *Eliz.* 15.

3. For the making of Iron, See 1 *Eliz.* 15. 23 *Eliz.* 5.

Wooll, and Yarne.

1. IF any ſhall buy woollen Yarn, and not make Cloth thereof, he ſhall forfeite the Yarne and fourfold damages, and be two yeares impriſoned, and fined. 8 *H.* 6. 5, & E. Yarn 4.

2. If any ſhall buy Wooll but of the owner.

owner of the Sheep and Tyth, he shall lose the value ther.of. 4 *R.* 2. 4 & P. 1.

3. For the buying of Wooll or Yarn, See 28. *Ed.* 3. Stat. 2, 3. 31 *Ed.* 3. 13. 8, 2 & 3. *Ph.* & *M.* 13.

4. For the selling of Wooll or Yarn, See 13 *R.* 2. 9. 8 *H.* 5. 2.

5. For the transporting of Wooll or Yarn, See 31 *Ed.* 3. 9, 36 *Ed.* 3. 11, 1 *H.* 5. Stat. 1, 2. 8. *H.* 6. 22. 14 *H.* 6. 5.

6. For the weight of Wooll, See 31 *Ed.* 3. 2. 8.

RESOL-

RESOLUTIONS of the JUDGES of Assize, upon certain Questions touching Parishes, &c.

Mich. An Dom. 1633

Quest. I.

WHether the Churchwardens and Overseers of a Parish, with the assent of two Justices of the Peace, one being of the *Quorum*, may by the Statute of 43 *El.* cap. 2. or any law, enforce a parishioner of the same Parish to take a child of a poore Parishioner of the same Parish, who is not able to keep his said child, to be an Apprentice?

Resol. The Stat. of 43 *Eliz.* which saith that the Churchwardens and Overseers of the parish shal put out children

dren to be Apprentices, necessarily imployeth, that such as are fit must receive such Apprentices; and the putting out of poor children is one of the best wayes for providing for the poor.

Quest. II. If they may, then whether they must give money with him, and who shall determin what summe shall be given, if the party that is to take such Apprentice, and the Churchwardens & Overseers of the poor cannot agree thereupon?

Resol. There is no necessity that money must be given, but that must be left to the discretion of the Overseers (all circumstances of age and ability considered) and if they cannot agree with the party, then the Justices of the peace near adjoyning, and in their defaults, the Sessions of peace are to determine the Controversie.

Quest. III. Whether a Knight, Gentleman, Clergy-man, or Yeoman, or one that is a Sojourner, using Husbandry, Clothing, Grazing, or the like, may be inforced to take such an Apprentice?

Resol. Every man who by his Calling or Profession, or manner of living entertaineth, and must have the use of other servants of the like quality, must entertain such Apprentices, wherein discretion must be guided upon consideration of all circumstances.

Quest.

Quest. V. Whether they may enforce a parishioner of one parish to take such a child apprentice that is of another parish, but within the same County, or Division, if the proper parish be not able to provide for the children of the parish?

Resol. The Justices may provide Masters for them in other parishes within the same Hundred; and if the Hundred be not able, then out of that Hundred in the rest of the County, as for the provision for the poor.

Quest. VI If such a Parishioner may be enforced to take such an Apprentice, and shal refuse to take such Apprentice, but also be bound to appear at the next quarter Sessions or Assize, what shall be done then?

Resol. If any refuse, let such a one be bound to the next Sessions or Assizes; if he refuse to give such bond, let him be sent to the Gaole, there to remain untill he will give such bond.

Quest. VII. If such a Parishioner who refuseth to take such an Apprentice shall be bound over to the Sessions for not taking such Apprentice, and when he appeareth there shall likewise refuse, what shall be done unto him; and what shall be done to the parents of such children, who refuse to suffer their children to be put out Apprentices themselves not being able to maintain them.

Resol.

Resol. If at the Sessions or Assizes such one refuseth to take such an Apprentice, and his excuse be not allowed, it is fit he be bound to the good behaviour. And as it will be a good course to indict such a refuser for a contempt, and thereupon to fine and imprison him, if he refuse to be bound to the good behaviour, let him be imprisoned till he will; and the Kings book of Order directs that such be bound with good sureties at the Counsell-board. And if the parents of such poor children do not suffer their children to be bound Apprentices, or being bound do entice them away, themselves not being able to maintain them, let them be committed to the House of Correction.

Quest. VIII. Whether it be in the power of any general quarter Sessions to mitigate any penalty upon a Statute Law, if the party indicted shall submit himself to the fine of the Court, and wave the Traverse.

Resol. If the party be convicted, or confess the fault, it is not in the power of the Court to mitigate the fine, in such cases where the Statute makes it certain: But if the party indicted confess his Innocency, yet *quia noluit placitare cum dom. rege*, put himself up into the grace of the Court, the Court may impose a moderate fine, and order to forbear the prosecution.

Quest. IX. If a man be bound to appeare at the Sessions, and shall tender submission to the Court, whether the Sessions may stay the Indictment, and mitigate the fine as aforesaid, upon the confession of the fact?

Resol. This is answered before in the next precedent Article.

Quest. X. If a man be convicted for being drunk, tipling, or keeping an unlicensed Alehouse, or being licensed, for suffering others to remain tipling in his house, or for swearing, or for driving of cattle upon the Sunday contrary to the Stat. in that case provided, whether the Justice of the Peace (before whom he was convicted) or any other Justice of the peace may discharge him of all, or part of the forfeiture or punishment appointed by the Statute?

Resol. The Justices have no such power of mitigation after conviction, where the Statute appoints the measure of the punishment.

Quest. XI. Whether a Constable may upon a warrant for carrying one to the house of Correction, for keeping an unlicensed Alehouse, upon the second conviction break open the house where the party convicted is, to apprehend him?

Resol. This question is to be advised upon; it is but in generall tearms, and referred to be considered in the particular where it appeareth.

Quest.

Quest. XII. If any woman unmarried be hired from week to week, or from half a yeare to halfe a yeare in one parish, and there is begotten with child, and then goeth from thence to another parish, where she is setled in service by the space of two or three moneths, and then is discovered that she is with child; the Question is, whether she shall be setled in the parish where she was begot with child, or in the parish where in she was last setled?

Resol. The place where such a woman was lawfully settled, is the direction in this case, not where she was begotten with child.

Quest. XIII. If a woman servant unmarried be gotten with child, and then goeth out of her Masters service before, or after it is discovered that she is with child, and the reputed father be run away, or is not able to free the parish, whether the Master may be forced to provide for her till she be delivered and a moneth after?

Resol. If the Master have legally discharged his house of such a servant, he is no more bound to provide for her then any other.

Quest. XIV. In case a Parish consist part of ancient Demeasne, and part Geldable, an Assize is made for the relieve of maymed Souldiers, Gaole, &c. according to the Stat. of

24 *Eliz.* cap. 2. Whether the Tenants in ancient Demeasne shall contribute with the Geldable for the payment of this Assize?

Resol. The Statutes do not distinguish between the ancient Demeasne and the Geldable; in these cases, *ubi Lex non distinguit, nec nos distinguemus.*

Quest. XV. Whether an Indictment of forcible Deteinor be within the Statute of 21 *Jac.* 5. and not to be removed by *Certiorari*, unless the party indicted first find sureties according to that Statute: And whether the party indicted be to be bound himself, or may send sureties to be bound in his absence to prosecute according to that Statute: And whether an Indictment of forcible Entry, &c. found at a quarter Sessions, and certified unto the quarter Sessions, be to be removed by *Certiorari* without sureties according to the Statute.

Resol. This is fittest to be left unto the Court of Kings-Bench, to whose commission, and jurisdiction this is most proper.

Quest. XVI. If one be convicted upon the Statute of 3 *CAROL. R.* cap 13. for driving of cattle upon the Sunday through severall parishes, whether he shall forfeit twenty shillings to every of the said Parishes, or only to one; if to one, then to which of them?

Resol.

Reſol. This Statute gives the forfeiture but of one twenty ſhillings for one Sabbath day, although the driving be on that day through ſeveral pariſhes; therefore where the action is firſt attached, and diſtreſs taken, that pariſh ſhall have the benefit of the forfeiture, and none other.

Queſt. XVII. If one who is under the age of thirty years, or brought up in Husbandry, or a Maid-ſervant brought up in any the Arts or Trades mentioned in the Statute 5 *Eliz.* cap. 4. and not enabled according to that Statute to live at his or her own hand, ſhall be warned by two Juſtices of the Peace, to put him, or her ſelf to ſervice, by a day preſcribed by them, and ſhall not do the ſame accordingly, but ſhall after continue living at his or her own hand, what courſe ſhall be taken with ſuch a perſon, and how puniſhed?

Reſol. Such perſons living out of ſervice, and not having viſible meanes of their own to maintain themſelves without their labour, and refuſing to ſerve as an hired ſervant by the yeare, may be bound over to the next Seſſions or Aſſizes, and to be of good behaviour in the mean time, or may be ſent to the houſe of Correction.

Queſt. XVIII. Whether the Tax for the reliefe of the poore, upon the Statute of 43 *Eliz.* ſhall be made by a-

bility, or occupation of Lands, or both: And whether the visible ability in the parish where he lives, or generall ability whatsoever: And whether his Rent received in the parish where he lives shall be accounted visible, and whether he shall be taxed for them onely, and not for any received from other parishes?

Resol. The lands within each parish is to be taxed to the said charges in the first place equally and indifferently; but there may be an addition for the visible ability of the Parishioner, according to good discretion, wherein if there be any mistaking, the Justice &c. or the Sessions must judge between them.

Quest. XIX. Whether the Tax for the County-stock, Gaole, house of Correction, is to be made by the Statute 14 *Eliz.* & 43 *Eliz.* by ability, and upon the Inhabitants of the parish onely or upon them, or the occupiers of lands dwelling in that parish; or whether such as occupy lands in that parish, and dwell in another parish, shall be taxed?

Resol. If the Statutes in particular causes give no special direction, it is good discretion to goe according to the rule for taxation for the poor.

Quest. XX. Whether any Taxes ought to be made for the charges that

petty

petty Constables and Burgholders are to for conveying of Rogues from parish to parish, and relieving of them, and how to be rated?

Resol. It is fit to relieve the Constables and Tythingmen, in such sort as it hath been used in several parishes where they live.

Quest. XXI. Whether a Justice of Peace may discharge a servant being with child from her service, allowing that as a reasonable cause that she is thereby made unable to doe her service, which otherwaies she might have done; and if he may discharge her, whether the parish shall provide for her till her delivery, if she cannot provide for her self; and so also if her time be expired before her delivery, who shall provide for her after the time ended?

Resol. If a woman being with child procure her self to be retained with a Master who knoweth nothing thereof, it seemeth to be a good cause to discharge her from her service: But if she be gotten with child during her service, it seemeth to be otherwise; but the Master in neither case must turne away such a servant of his own authority; but if her terme be ended, or she lawfully discharged, the Master is not bound to provide for her, but it is a misfortune fallen upon the parish, which they must beare as in other cases of casuall impotency.

Quest. XXII. Whether one being delivered of a bastard-child in one parish, and goeth into another parish and becomes vagrant, and so is sent to the place of her birth, her bastard child being under the age of seven yeares shall be setled with the mother, and there maintained, if the Mother be not able to keep, nor the reputed father found: or whether it shall be sent to the place of its birth, as being setled with the mother, whether the parish where it was borne shall be ordered by the two next Justices to pay a weekly sum towards the maintenance of it?

Resol. The bastard child must be placed with the Mother, so long as it is within the quality or condition of a Nurse-child, and then it is fit to be sent to the place of its birth, to be provided for, the mother or reputed father not being able.

Quest. XXIII. A man with his wife and children takes a house in one parish for a yeare, and before the end of his terme is put out of possession, and after takes part of an house as an Inmate in another parish, from whence he is also put out in two or three dayes, and then not being able to get any dwelling, they come to lie in a Barn in a third parish where the husband falls sick, and the wife is delivered of another child, where ought these to be setled?

Resol.

Resol. If a man or woman having an house or habitation in one parish, be thrust out of possession, this is an illegall unsettling, which the Law forbiddeth; for none must be enforced to turne Vagrants; and such a one must be returned to the place where hee or shee was lawfully setled, and the child also that was borne in the time of this distraction.

Quest. XXIV. Whether an Apprentice put out by the Churchwardens, &c. according to the Statute, to a Master in another parish, if his Master die and leave no Executor fit to keep an Apprentice, or able to place him, shall he be provided for in the parish where he was Apprentice, or shall be sent back to that parish from whence he was put out?

Resol. Servants and Apprentices are by Law setled in that parish, and if they become impotent there, the parish must beare the adventure after their terme or time be lawfully ended.

Quest. XXV. What is accounted a lawfull setling in a Parish, and what not?

Resol. This is too generall a question to receive a perfect answer to every particular case which may happen, but generally this is to be observed, that the Law unsetleth none who are

lawfully settled, nor permits that to be done by force or compulsion: and every one who is setled a Native, Householder, a Sojourner, an apprentice, or a Servant for a moneth at the least, without a just complaint made to remove him or her, shall be held to be a setling.

Quest. XXVI. A Rogue is taken at *A.* and will not confess the place of his birth, neither doth it appear otherwise, but that he confesseth the last place of his habitation to be at *S.* hereupon he is whipped and sent to *S.* at his comming to *S.* there the place of his birth is known to be at *W.* and thereupon the Rogue confesseth it to be so, whether he might without new Vagrancy be sent to *W*?

Resol. In this case it is fit to send such a Rogue to the place of his birth, but this is but a mistaking, and no legall setling.

Quest. XXVII. If an Indictment be preferred to the grand Inquest of the quarter Sessions of the peace, against one for Murder, Manslaughter, Robbery, Felony, or petty Larceny, and Ignoramus found thereupon, whether the said Session may deliver the party by proclamation or not?

Resol. Not by Proclamation but for petty Larceny, and other petty Felonies in discretion the Gaole may be delivered of them.

Quest.

Quest. XXVIII. If a Constable be chosen, and refuse to take his Oath, what shall be done? And whether a Constable may make a deputy, and by what means?

Resol. The refusall or neglect to take Oath in such case, is a contempt worthy of punishment, and the best way is by Indictment, and thereupon to fine and imprison him; and the making of a deputy is rather by toleration than by Law.

Quest. XXIX. If a Constable die, or remove out of his place where, &c. how is his place to be supplied?

Resol. By the Lord of the Leet, if that time fell near; if otherwise, by the Sessions; but if that be too far off, then by the next Justices.

Quest. XXX. If a poor weak man be chosen Constable or Tythingman, & be unfit for the place, how he may be removed, and a fresh sworn in his room?

Resol. The Justices must help this, and if the Lord of the Leet have power to chuse a Constable or Tythingman, and perform it so ill, that is a just cause to seize his liberty.

Quest. XXXI. If a Nurse child, a Scholler at a Grammer-Schoole, or in the University prove to be impotent by sickness, lameness, lunacy, or discovery of Felony, how such persons shall be disposed?

Resol.

Resol. A Nurſechild, or a Scholler at the Grammer School, or in the Univerſity, are not to bee eſteemed as perſons ſetled there, more than Travellers in their Innes, but their ſetling is where the Parents are ſetled, or themſelves were laſt ſetled.

Queſt. XXXII. What proportion Parſonages of Tithes ſhall bear to the taxation of the poor of the pariſh?

Reſol. The Parſon having the Tenths or Tithes of the Pariſh, it ſeemeth good and equall that he ſhall pay the tenth part of the rate of the poor in that reſpect.

Queſt. XXXIII. Whether for placing of the poor of the pariſh not to be removed but by conſent of the pariſh, theſe poor men may not be placed, *&c.* Inmates for a time?

Reſol. They may by expreſs words of the Statute of 43 *Eliz.*

Queſt. XXXIV. If a Pariſhioner, or owner within a Pariſh do bring into the pariſh without the conſent of the pariſh, a ſtranger of another pariſh, which is, or apparently like to be burthenſome to the pariſh, how they may eaſe themſelves.

Reſol. By taxing ſuch a one to the charge of the rates of the poor, not having reſpect to his ability, or the land he occupies, but according to the damage and danger he bringeth to the pariſh by his folly.

Queſt.

Quest. XXXV. For warding in the day time for apprehending of Rogues, whether the Constable may not enlarge it?

Resol Warding in the day time is of great use, and must be left to the discretion of the Constables, or direction of the Justices, to vary according to the occasion.

Quest. XXXVI. Whether Alehouses ought to be allowed in Through-faire Townes, and others in other places to be restrained only to sell to the poor out of doores.

Resol. The Justices shall doe very well to allow none but in places fit for their scituation and uses, and to moderate the number.

Quest. XXXVIII. A man for his quality otherwise fit to be a Constable or other Officer of that nature, procures himself to be the Kings servant extraordinary, and by that would excuse himself to serve in the Country.

Resol. A servant extraordinary may well perform his ordinary service in the Country according to his quality.

The

The JUSTICES Opinion concerning the Commissions by which the Justices sit at *Newgate*, viz. *Gaole Delivery*, and *Oyer* and *Terminer*.

MDCXXXIII.

THE Justices of Gaole-Delivery there, may try all Prisoners in the Gaole, or by baile, or such as being Indicted will render themselves, generally for all Felonies, and also for such other offences as are particularly assigned to them by Statute.

Vide Stanford; anciently Felonies include all trespasses, therefore the Justices of Gaole-Delivery have power to hold plea of trespasses against them in prison, or upon baile to render themselves.

The Statute of 4 *Edw.* 3. cap. 2. doth give them power to receive Indictments against prisoners, and such as are upon baile, and to proceed to try the same (*viz.*) Indictments taken before the Justices of the peace, and by equity thereof all Indictments before Coroners. 3 *Mar. Bro.* Commission 29. saith, that the Commission is *Ad deliberand.*

ber and. Gaolas de Priſon in eiſdem exiſten. but they cannot take Indictments as Justices of Gaole-Delivery, but being Justices of Peace they may take Indictments, and then try the ſame, or elſe to receive Indictments taken before Justices of the Peace, but it ſtandeth with reaſon that they may take Indictments againſt Priſoners, but not againſt them that be at large: For in as much as power to deliver the Gaole is given them, conſequently they muſt have means to do ſo, which is by Indictments: *Ideo quære.*

Vide 1 Mar. Dier 99. Juſtices of Aſſizes held plea of all appeales of Felony or Murder againſt one in priſon by their generall Commiſſion, ſo by the ſame reaſon to take Indictments.

Howſoever it is clear they may enquire of many offences, and take Indictments in ſuch caſes where power by any Stat. is given to the Juſtices of Gaole-Delivery to make enquiry of.

When Indictment is taken before Juſtices of Gaole-delivery in ſuch caſes where they have authority by Law or Stat. there the title of the Indictment is that *apud Gaolam deliberat, tent.* before the Commiſſioners of Gaole-delivery *J.S.* was indicted, and the Record muſt be made up ſo.

And whereas by vertue of the Stat. 4 *Ed.* 3. Indictments taken before Juſtices of the peace, or Coroner, or any other againſt priſoners, then the Entry of the Indictment is returned. *Memorand. quod ad generalem Seſſionem tent.* Before A. B. *Juſtic. ad pacem in Com.*

Com. Mid or *London*, *J. S.* was indicted and tryed before Justices of Gaole-delivery, and by vertue of the said Statute Indictments taken before Justices of the Peace in *London* or *Middlesex*, and tryed before Justices of Gaole delivery.

The Commission of Oyer and Terminer is, *ad inquirend. & determinand.* they may enquire of all the offences mentioned in the Commission, albeit the Offenders be at large: But they cannot try Prisoners upon Indictments taken before any other then themselves, as the Justices of Gaole-delivery may by the aforesaid Stat. unless there be a speciall Commission made, as it was in the case of the Earle of *Leicester* mentioned in *Plowdens* Commentaries: For the ordinary Commission of Oyer and Terminer is, *ad inquirend. audiend. & determinand.* therefore they cannot determine things unless they made enquiry first; and on the other side also, the Justices of Gaole-Delivery may try Indictments taken before Justices of the peace; yet if one be indicted before Commissioners of Oyer and Terminer, the Justices of Gaole-Delivery cannot trie the same, because the Records of the Commission of Oyer and Terminer, are to be returned in the Kings-Bench, 24 *Ed.* 3, 31.

The

The Commiſſion was , and the Records of the proceeding before the Juſtices of Gaole-delivery are to be returned to the *Cuſtos Rotulorum* of the County; when the ſame perſons are Juſtices of Gaole-delivery, and Oyer and Terminer, they may ſit the ſame day and place, and enquire by the ſame Jury, but the Entry of the Records muſt be ſeverall, according as the Indictment is.

At the Aſſizes in the Countrey the Juſtices have their ſeverall power, as Juſtices of Gaole-Delivery, Oyer and Terminer, and Juſtices of the Peace; but when the Records are made up, they muſt be according to the power they made election to proceed upon; this is the regular and legall courſe: But the Clerks of Aſſize promiſcuouſly make Entry thereof. But if a Writ of Errour be brought, they muſt certifie according to Law, or elſe it were erroneous, and ſo upon a *Certiorari*.

The Seſſions of peace at *London* may begin at *Guildhall*, and there adjourn to *Newgate*; if ſome Indictments be at *Guildhall*, then theſe muſt be ſo certified if otherwiſe at *Newgate*, then the Adjournment muſt be mentioned, and that the Indictment was then taken.

Note that the Tryall of Indictments taken before Juſtices of the peace in *London* cannot be tryed at *Newgate*, as in

in nature of a Tryall before Justices of the peace of *London*, for many of the Commissioners for Gaole-delivery are not Justices of the peace for *London*: But in such case the tryall must be before the Justices of Gaole-delivery, as upon Indictment taken before Justices of the peace in *Middlesex*.

But if Indictments at *Newgate* be originally taken before Justices of Gaole-delivery, then it is considerable how the Jury sworn and impannelled to enquire at the Sessions of the peace for *London* or *Middlesex*, serve to present Indictments before the Justices of Gaole-delivery at *Newgate*, unless the custome and usage will warrant that the two several Juries sworn at the Sessions of the peace for *London* or *Middlesex*, and also by the same oath and impannelling to serve for the Grand jury for the Commissioners of Gaole-delivery, and Oyer and Terminer.

Upon conference with Mr. *Keeling*, and the Clerks for *Newgate*, of *London* and *Middlesex*, and the Clerks of Assizes, and view of their severall Entries, a more mature and certain resolution may be given; this being in haste, and without such consideration as were requisite.

CORO-

CORONERS, of their Office, and of their Authority. And where a Man ſhall approve, and where not. And which ſhall be good Appeales for approvers, and of the anſwer unto them. And where a Man ſhall have Sanctuary, and where not. And where a Man may Abjure, and where not.

NOte that the Office and Authority of a Coroner is to ſit *ſuper viſum corporis* of them that die otherwiſe then by the viſitation of God, and to take ſufficient Record of the view.

Alſo to Abjure them that ought to be Abjured, and ſor to Record that: And alſo to Record Appeales and Accuſations of Felons that approve. aa

Et:

Ed. 3. And lawfully to take Pleas of the Crown, and to present them as it appeareth in the Stat. of *Westm.* the first cap. 10. And to take Appeale of Robbery and Felony, 9 *Hen.* 6. fol. 2. & 27. Quere if they may proceed in that; for the book saith that they may record Non-suits in Appeales, and give judgement upon Outlawries.

9 H. 6. 4, 37.

The Coroner certifieth into the Kings Bench that *W. C.* received *A. B.* as he was carried to be hinged, and conducted him to the Church of *S.* This is no good Record; for hee can certifie nothing, but *super visum corporis*, or by speciall Writ to him directed.

25 Ed. 3.

A Coroner is made in the time of King *Henry* the eight, and the Coroner sitteth in the time of the King that now is, *super visum corporis*, and taketh a sufficient Indictment; and certifieth it, that is a good Record, and the Court may proceed upon it. 4 E. 4. 44. For the Coroner is made by Writ, and he shall endure till he be discharged by Writ: contrariwise it is of them that be made by Commission; for by the Kings death their power is then dissolved.

4 Ed. 4. 44.

A Coroner sitteth *super visum corporis* and taketh a perfect Indictment, and another Coroner of the same Shire sitteth after, and taketh another Indict-

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ment, the ſecond Indictment is void. 5 R. 2. 10. & 7. For by the firſt ſitting the Enquiry is perfectly determined and ended. 5 R. 2. 10. & 7.

A man indicted of Felony confeſſeth the Felony, and approveth, and hath a Coroner aſſigned him, and he approveth one of Felony in another County; This is a good Appeale, 9 H. 6. 45. But the Coroner cannot make Proceſs to them, but he muſt certifie the Record to the Juſtices of the Gaol-Delivery, and they ſhall make the proceſs. 29 Ed. 3. 45.

Approvement is as much to ſay as an Accuſation, and it muſt be after judgement, and it muſt be made by him that is Indicted of Felony, and hath confeſſed the Felony; and upon this the Juſtices may aſſign a Coroner to heare his Approvements, and to record them, and a certain time ſhal be aſſigned him to approve; but it is at the diſcretion of the Juſtices if they will permit him to approve or no: And if he approve out of the time to him aſſigned, it is void.

If a man plead not guilty to the Felony at the Iſſue, and after he will relinquiſh the Iſſue, and confeſs the Felony, he ſhall not be ſuffered to become an Approver. 21 E. 3. 10. For he hath taken a peremptory Iſſue; and is found two times falſe; one is by committing the Felony, another is by taking 21 Ed. 3. 10.

king of that falſe Plea, and therefore he ſhall not be truſted to approve others.

25 Edw. 3. If one that is robbed bring an Appeale againſt one which confeſſeth the Felony, he ſhall not be ſuffered to approve; for an approvement is onely for the profit of the King; and in this caſe the party ſhall not be ſo long delayed; and in an Appeale, the Defendant ſhall not be ſuffered to approve.

A man is in priſon for Treſpaſs, and will confeſs Felony, he ſhall not be ſuffered to approve, for he is not in priſon for Felony.

21 Edw. 3. A man that is Outlawed of Felony, he ſhall not be ſuffered to approve; for his Outlawry is an attainder in Law, and a man attainted cannot approve; for he is out of the protection of the King and his Law; and this approvement is an Action, and a man out of the Law can uſe no Action.

11 Edw. 3. A man approveth *I. S.* being an Alien born, and now being in *Spaine*, this is no good approvement; for he cannot be ſummoned by proceſs to anſwer.

A man cannot approve another after that he himſelf is abjured; for none can approve ſuch as may have judgment to be hanged, and ſo cannot a man abjured.

17 Ed. 2. 4. A Clerk convict eſcapeth out of the Biſhops priſon, and maketh another Felony,

Felony, and confeſſeth that Felony, he ſhall not approve, for he hath another judgement before, and he is out of the Law, and cannot be adjudged again.

If the Approver miſrehearſe the appellee, either by his name, or the colour of his horſe, he ſhall be hanged incontinent. 25 Ed. 3. 19.

If a man be indicted for forging of falſe money, if he confeſs that Treaſon, he may approve others. 19 H. 6. 32 Edw. 3.

If one confeſs the Felony, and approve another which joyneth the miſe by battle, that not guilty, and when the approver cometh to the field to fight, he relinquiſheth his approvement, he ſhall be hanged incontinent, and the other ſhall go quit; for this doth countervaile a vanquiſhment. 21 H. 5. 38.

An Approver appealeth himſelf and I. S. for that they brake out of N. in which they were for Felony; this is no good approvement; for one cannot approve another of Felony but of ſuch whereunto himſelf was party, and the breaking of the priſon was ſeverall eſcapes; for one was not party unto the eſcape of the other.

An Approver approveth another, which pleadeth not guilty, the King pardoneth the approver, the appellee ſhall goe quit; contrariwiſe it is if the appealer die in priſon.

An approver appealeth another, for 25 Ed. 3, 25.

that

that he did receive goods knowing they were ſtoln; this is no good approvement.

25 Ed. 3. 12. 7. An approver approveth another of a Felony whereunto himſelf was not privy nor party; this is no good approvement.

10 Ed. 4. 17.

3 Ed. 3. 36. An approver appealeth one which appeareth, and upon that the appealer taketh his Clergy, the appellee ſhall be arraigned upon the Felony for the King.

21 H. 6. 45. An approver appealeth *J. S.* and there is no ſuch *in rerum natura*, the approver ſhall be hanged incontinent.

The Juſtices of the Gaole-delivery, or of Oyer and Terminer, may aſſign a Coroner unto him that will approve, but Juſtices of peace cannot.

1 Iac. 25. & 28. Sanctuary taken away by the Statute *Ideo, &c.*

In what Caſes a Man may have his Clergy, and what not. And where the Ordinary may refuſe the Clerk, and where he may challenge him. And where the Abuſes of the Clergy ſhall bee puniſhed. And where it is Finable. And which Acts ſhall be judged an Eſcape, and which not.

NOte that if a man be convicted of wilful Murder, Poyſoning, Robbing of a Church or Robbing by the Highway, 1 Ed. 6. c. 12. for Burglary, where any is put in hate of their life, or for ſtealing of horſes, Mares or Geldings, theſe perſons ſhall not have their Clergy, by the Statute of *Anno* 1 Ed. 6. cap. 12.

Such as for the offences aforesaid, be arraigned and stand mute, or challenge peremptory above the number of twenty Jurors, or will not answer directly to the Felony, they shall not have their Clergy, by the aforesaid Statute; but in all other cases they shall have their Clergy, as they might have had before the 24. day of *April. Anno* 1 *H.* 8.

A man arraigned of Rape shall not have his Clergy, *per. Stat.* El. 18 *cap.* 6.

2 Ed. 6. A man that is Bigamus (that is twice married) or hath married a Widdow, is arraigned of Felony for stealing of a Cow, shal have his Clergy, that is given by the Statute of *Anno* 1 Ed. 6.

A man is arraigned for robbing of a house in the night, where none was put in feare of their life, he shall have his Clergy.

22 Ed. 3. 25. A Clerk convict killeth his Keeper, and escapeth, and is taken againe and arraigned of Felony, he shall not have his Clergy. 22 Ed. 3. fol. 25. For *frustra legis auxilium invocat qui in legem committit.*

A man indicted acknowledgeth the Felony, and approveth, and when the appeale appeareth, the appellee prayeth his Clergy, he shal not have his Clergy.

He that is arraigned of any Felony whereof he might have his Clergy, if he stand mute, or otherwise abuse himself, so that he should be put to his pen-

nance,

nance, yet he ſhall not loſe the benefit of his Clergy; for he is not put from that by the Statute.

If a woman be arraigned of Felony, if ſhe can read, ſhe ſhall have her Clergy, in all caſes as if ſhe were a man. 21 Edw. 3. Coron. 461.

A man is arraigned of Felony, and prayeth his Clergy, and cannot read, he ſhall be committed to the Ordinary, and after he hath judgment of death, and then he prayeth his Clergy, and can read, he ſhall be committed to the Ordinary; but it ſeemeth that that is at the diſcretion of the Juſtices. 34 H. 6. 55

A man taketh a Church for Felony, and will not confeſs the Felony to the Coroner, and is drawn out of the Sanctuary and arraigned, yet he ſhall have his Clergy, if he can read. 9 Ed. 4. 29.

A man is arraigned and prayeth his Clergy, and can read, and the Ordinary will not demand him, yet he ſhall have his Clergy. 22 Ed. 3. 35

A man is abjured and taken againe, and yet is demanded what he can ſay, wherefore he ſhould not die, and he prayeth his Clergy, if he can read, he ſhall have it. 9 E. 4. 3. 29. 8 H. 4.

In an appeale of Goods ſtoln, the Defendant ſhall have his Clergy. 3 H. 7.

A man is arraigned of Felony, and attainted, and hath Judgment of death, and is delivered to the Gaoler to be hanged, and he prayeth his Clergy, if

he can read, and there be an Ordinary to allow him, he ſhall have his Clergy.

If the Ordinary keep a Clerk convict more eaſily or more ſtraighly then he ought by the Law, the King ſhall reform him; and if he deny a Clerk to make his purgation, where he may make his purgation by the Law, the King ſhall compell him to ſuffer the priſoner to make his purgation.

If a Felon pray his Clergy when he may have it by Law, and the Ordinary refuſe him, the Ordinary ſhall be amerced, and the priſoner ſhall be hanged.

FINIS.